

June 4, 2019

The Honorable Jesse M. Furman
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: NYIC Plaintiffs' reply in support of motion for an order to show cause in *State of New York, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-2921 (JMF)

Dear Judge Furman:

Defendants' response does not deny that damning new evidence reveals hyper-partisan and racially discriminatory motives at the root of the citizenship question. Defendants do not deny that (1) Dr. Hofeller is *the person* who came up with the Voting Rights Act rationale for adding a citizenship question to the 2020 Census, that (2) Dr. Hofeller ghostwrote a letter from DOJ to Commerce setting forth the VRA rationale for adding a citizenship question, and that (3) Mark Neuman gave John Gore this draft DOJ letter at a meeting between Neuman and Gore that was arranged by the Commerce Department's General Counsel. Most astonishingly, even though it is undisputed that Dr. Hofeller was the one who suggested a citizenship question to Neuman and the Trump transition in the first place, Defendants do not say whether Commerce officials knew of Dr. Hofeller's conclusion that adding a citizenship question to the 2020 Census would benefit "Republicans and Non-Hispanic Whites" in redistricting. And it is the Commerce Department's decision to add the citizenship question that is at issue.

Faced with the new evidence, Defendants' position seems to be that, sure, maybe the Commerce Department co-opted the idea put forth by a partisan operative who believed that a citizenship question on the 2020 Census would entrench the political power of "Republicans and Non-Hispanic Whites." And, sure, maybe this same partisan operative was also the one who, acting through a Commerce Department emissary, supplied DOJ's VRA enforcement rationale that purports to advance the political power of Hispanics. But, Defendants say, none of this matters because John Gore, the DOJ official who executed the plan, was not fully read into its details, and because Secretary Ross purportedly "provided an objectively rational basis" for a decision that, we now know, had its origins in open racial discrimination. Gov't Br. 5. But the Administrative Procedure Act demands that federal agencies explain the *real* reasons for their actions. It does not permit federal agencies to lie to the public about why they act, so long as the employee tasked with implementing policy has plausible deniability.

In any event, the Justice Department's hands are not clean. DOJ failed to correct Neuman's false testimony that his October 2017 meeting with Gore was not about a draft DOJ letter and that Neuman "wasn't part of the drafting process of the [DOJ] letter." ECF 595 Ex. B at 114, 273. Defendants now seem to acknowledge that DOJ knew all along that this testimony was false. But they argue that all can be forgiven because DOJ produced Gore's copy of the Neuman letter—even though DOJ initially withheld the document and then produced it in a dump of 92,000 pages, with a *new* Bates number, *three* days before Gore's deposition, accompanied by a representation that DOJ was unable to provide *any* information about the document's "author, recipient, date, or time." Ex. 1, 1-C. Thus, when Defendants assert that

Plaintiffs have “*long known that Gore had the Neuman letter*,” Gov’t Br. 3, they omit that they successfully concealed the fact that Gore had received this letter *from Neuman*.

Defendants’ misconduct is apparent. The Court can and should authorize targeted discovery to determine the full extent to which a fraud on the court has occurred and if “the very temple of justice has been defiled.” *Universal Oil Prod. Co. v. Root Ref. Co.*, 328 U.S. 575, 580 (1946); *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991) (recognizing court’s inherent power to investigate whether “it has been the victim of fraud”); *Sussman v. Bank of Israel*, 56 F.3d 450, 459 (2d Cir. 1995) (noting court’s “inherent power” to “sanction counsel or a litigant for bad-faith conduct”).

1. Beyond their failure to deny the previously undisclosed facts above, Defendants’ response raises far more questions than it answers. Defendants carefully deny that “DOJ or Gore had the Hofeller study and based the Gary Letter on its contents.” Gov’t Br. 2. But Defendants make no attempt to explain:

- Did anyone at Commerce (including Neuman) have Dr. Hofeller’s 2015 study?
- Did anyone at Commerce (including Neuman) know that Dr. Hofeller—before suggesting a citizenship question to the transition—had concluded that adding a citizenship question would enable redistricting advantageous to “Republicans and Non-Hispanic Whites”?
- Even if they did not have a copy of Dr. Hofeller’s 2015 study, did anyone at Commerce (including Neuman) appreciate that adding a citizenship question would enable redistricting advantageous to “Republicans and Non-Hispanic Whites”?
- Did anyone at DOJ appreciate that adding a citizenship question would enable redistricting advantageous to “Republicans and Non-Hispanic Whites”?
- Who asked Dr. Hofeller to ghostwrite the VRA rationale that appears in the draft DOJ letter that Neuman gave Gore? Someone must have asked Dr. Hofeller to draft it.
- How did Dr. Hofeller’s ghostwritten VRA rationale reach Neuman? Did Commerce officials relay it? Did Hofeller give it to Neuman directly?
- Why didn’t Gore identify Neuman at deposition when he provided a list of other people who provided input in drafting the DOJ letter? *See* ECF 595 Ex. E at 150:9-151:20.
- Why didn’t DOJ disclose on its privilege log that the draft DOJ letter came from Neuman?
- Why didn’t DOJ correct Neuman’s materially false testimony that his October 2017 meeting with Gore was *not* about a draft DOJ letter requesting a citizenship question on the 2020 Census, that Neuman gave Gore only a *different* document at that meeting, and that Neuman was not involved in the drafting process for the DOJ letter at all?
- Are Defendants now asserting that Gore’s motivation and guide for requesting a citizenship question was the *Evenwel* case about potential use of citizenship data in redistricting, as opposed to VRA enforcement? Are Defendants asserting that Gore relied on *amicus* briefs from *Evenwel* which concluded that ACS data was sufficient for VRA enforcement and that adding a citizenship question to the Census would depress turnout and reduce accuracy?

2. Defendants spend a page of their brief asserting that Gore, in describing the shortcomings of ACS data, relied on an *amicus* brief from former Census Directors in *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016). But there is no declaration from Gore saying that is what he did, and Defendants cite nothing supporting their assertion. Importantly, the Census Directors

reached the *opposite* conclusion that Gore did: they concluded that ACS citizenship data *are sufficient* for VRA enforcement purposes, that it is *not* possible to obtain accurate CVAP data through a citizenship question on the census, and that adding a citizenship question to the census is “not a solution.” Gov’t Ex. D at 5, 22-24. The other briefs cited by Defendants agreed. *See* Br. of Nathaniel Persily et al. at 27 (“ACS CVAP data” are “the best and only information on citizenship rates,” and are “indispensable ... in section 2 challenges”);¹ Br. of Democratic Nat’l Comm. at 19 n.5; Br. for United States at 24. All four briefs did, however, argue that ACS citizenship data are insufficiently precise for the purpose of switching to citizen voting-age population as the redistricting population base—which was the goal of the *Evenwel* plaintiffs, 136 S. Ct. at 1126, and the very reason that Dr. Hofeller advocated adding a citizenship question to the 2020 Census, ECF 595 Ex. D at 7-9. Thus, if Gore relied on the *Evenwel* briefs, it only *supports* an inference that the true purpose of adding a citizenship question was *not* VRA enforcement, but rather to facilitate a redistricting strategy that would “advantage[] ... Non-Hispanic Whites,” at the expense of “the major minority groups in the nation.” *Id.*

Moreover, we still do not know whether and to what extent James Uthmeier, Peter Davidson, or anyone else at Commerce who relayed the VRA rationale to Gore was relying on Dr. Hofeller or his 2015 study.

The Court can get to the bottom of this. Since Defendants have now squarely put Gore’s process of drafting the letter in issue, they have waived deliberative-process privilege over any documents related to Gore’s drafting process. *See e.g., Allstate Ins. Co. v. Serio*, No. 97-cv-0670, 2000 WL 554221, at *11 (S.D.N.Y. May 30, 2002) (deliberative process “cannot be used as both a shield and a sword”); *Conte v. Cty. of Nassau*, No. 06-cv-4746, 2009 WL 1362784, at *3-*4 (E.D.N.Y. May 15, 2009) (noting “deliberative process privilege is a sub species of the work-product privilege,” separately noting “work product privilege cannot at once be used as a shield and a sword” (quoting *Kidder, Peabody & Co., Inc. v. IAG Int’l Acceptance Grp., N.V.*, 1997 WL 272405 (S.D.N.Y. May 21, 1997))). The Court should order production of all such documents, including all 18 drafts and the records of the 10 participants beyond Gore who participated in drafting the letter, as well as Mr. Uthmeier’s memo and cover note. These materials are identified on Exhibit 3.

Waiver aside, Defendants’ prior claims of deliberative-process privilege should now be overcome. Deliberative-process privilege “disappears altogether when there is any reason to believe government misconduct occurred.” *In re Sealed Case*, 121 F.3d 729, 746 (D.C. Cir. 1997); *see also Texaco Puerto Rico, Inc. v. Dep’t of Consumer Affairs*, 60 F.3d 867, 885 (1st Cir. 1995) (similar). And even if this privilege did still apply, disclosure is warranted under the relevant balancing test. *In re Delphi Corp.*, 276 F.R.D. 81, 85 (S.D.N.Y. 2011). This evidence is directly relevant to the propriety of sanctions and other appropriate relief.

3. With respect to Neuman, Defendants’ “I hardly knew the guy” defense is stunning. Defendants now insist that “Neuman is not a governmental employee” and that “[h]is acts or omissions are thus not attributable to the government.” Gov’t Br. 4. But Defendants previously asserted in this very lawsuit—in successfully invoking deliberative-process privilege over

¹ Dr. Persily wrote today that he is “outraged that my work is being misrepresented by the DOJ in its most recent filing in the census case before the SDNY.” *See* <https://twitter.com/persily/status/1135973410117341184>.

communications with Neuman—that Neuman “functioned as a trusted adviser and consultant to” Commerce, “*act[ed] analogously to an agency employee*,” and that “he and Commerce were engaged in a *common enterprise* of seeking to improve the 2020 Census.” ECF 451 at 3 (emphases added); *see also* ECF 451-2 (Uthmeier declaration explaining importance of Neuman’s role). Having characterized Neuman in this manner to conceal his communications, Defendants cannot cut Neuman loose now that the true extent of his role has come to light. And they cannot contend that Neuman’s motivations in working with Secretary Ross to achieve the “common enterprise” of adding a citizenship question to the 2020 Census—or Neuman’s discussions with Dr. Hofeller—are irrelevant to whether Commerce’s decision was the product of “discriminatory animus.” Gov’t Br. 5.

As for his testimony, Neuman represented that he “wasn’t part of the drafting process of the [DOJ] letter,” specifically denied that his October 2017 meeting with Gore was about a “letter from DOJ regarding the citizenship question,” and failed to disclose that he provided the draft letter to Gore, testifying instead that he provided another document. ECF 595 Ex. B at 114:15-21, 123:20-124:24, 273:10-21. Neuman denied, moreover, that “Hofeller was one of the people [Neuman] relied on for expertise on the Voting Rights Act.” *Id.* at 143:25-144:6. All of that testimony was false, or, at a minimum, remarkably misleading. Defendants deny that Neuman testified that he “only” gave one document to Gore, Gov’t Br. 4, but they do not deny that he falsely testified that the meeting was not about the citizenship question. There was no reason to ask Neuman whether he gave the ghostwritten DOJ letter to Gore after he denied that the meeting even concerned the DOJ letter. Defendants also say that Neuman failed to inform Plaintiffs of Dr. Hofeller’s role in drafting the VRA rationale solely because the questioner told Neuman, “I’m not asking you to tell me about who the original author was.” Gov’t Br. 4. Defendants are playing games. A few questions earlier, Neuman had already testified, “I’m not sure who the original author is.” ECF 595 Ex. B at 280:12-13. Then, in response to a *different* question about the draft letter, Neuman repeated, non-responsively, that he couldn’t “figure out who [the] original author is.” *Id.* at 281:10-6. The questioner was simply advising Neuman that he had switched to an entirely different question.

Defense counsel present at Neuman’s deposition (including Uthmeier) apparently knew that Neuman had given the draft DOJ letter to Gore at the October 2017 meeting, but never corrected the record. And Defendants told this Court that “[t]he record does not indicate that Mr. Neuman provided any particularly significant consultations on the citizenship question ... during his conversations with Commerce officials in 2017.” ECF 346 at 2.

Discovery is warranted into communications between Defendants and defense counsel and Neuman and his counsel, as well as the extent to which Defendants knew the falsity of Neuman’s testimony.

4. Gore testified he “drafted *the initial draft* of the letter to request the citizenship question sometime around the end of October or early November 2017.” ECF 595 Ex. E at 150:9-151:20 (emphasis added). But Gore subsequently told congressional investigators that Neuman provided a draft letter to him during a meeting earlier in the month of October after Commerce General Counsel Peter Davidson asked Neuman and Gore to meet. ECF 595 Ex. G. As discussed above, Gore also conspicuously omitted Neuman from the long list of individuals internal and external to DOJ whom were consulted about the DOJ request. Even more

perplexing, on the same page of the same response letter, Defendants simultaneously state that “Gore disclosed that he talked to Neuman while drafting the Gary Letter,” Gov’t Br. 3 (citing testimony where Gore did not mention the Gary Letter and invoked the deliberative process privilege), and that “the reason Gore did not identify Neuman or Hofeller as people who provided input on the Gary Letter is that neither Neuman nor Hofeller provided any input on the Gary Letter.” *Id.* Which is it?

Defendants stress that DOJ produced its copy of the draft letter that Neuman gave Gore. But they fail to disclose that this document was withheld from DOJ’s production on October 3 and was logged with none of the identifying information required under Rule 26(b)(5) or Local Rule 26.2(a)(2)(A). Ex 1-A entry 15199. And after Plaintiffs promptly challenged this entry, Ex. 1-B, Defendants delayed release of DOJ’s copy of the document *until three days before Gore’s deposition*, when it was relabeled as a different Bates number (DOJ 129991) and produced with nearly 92,000 pages of additional production, Ex. 1-C. Even then, Defendants failed to disclose that Neuman gave Gore the document, instead representing that they were unable to provide information regarding “author, recipient, date, or time.” *Id.* Indeed, until their response yesterday, Defendants never acknowledged that the document in Gore’s possession was from Neuman. The fact is that Plaintiffs did not know, and had no way of knowing until recently, that Neuman gave Gore that draft letter. The Court should permit discovery into Defendants’ handling of this document.

5. In addition to the sanction-related discovery described above, the Court should authorize the following additional limited discovery relevant to sanctions:

- Neuman should be ordered, pursuant to the subpoena Plaintiffs previously issued, promptly to produce all of his communications with Dr. Hofeller, Dale Oldham, Gore, Uthmeier, and/or other Administration personnel.
- A subpoena to Dale Oldham, Dr. Hofeller’s former business partner, who we understand took Dr. Hofeller’s work computer(s) (as opposed to external electronic storage devices).
- Further depositions of Neuman and Gore on these topics, as well as a deposition of Uthmeier. In the alternative, these individuals should be called to a hearing for cross-examination.

* * *

Defendants take Plaintiffs to task for failing to discover earlier a handful of documents relevant to this case that appeared on external electronic storage devices produced to Plaintiffs’ counsel in a separate litigation in North Carolina. Plaintiffs’ counsel brought the newly discovered evidence at issue here to this Court’s attention within one week after discovering it. It is Defendants—not Plaintiffs—who have known the truth this entire time. Had Defendants not actively concealed Dr. Hofeller’s role in orchestrating the addition of the citizenship question through discovery misconduct in this case, Plaintiffs would have made this material a central part of their case in chief. Defendants should not now be heard to say that it is too late.

Respectfully submitted,

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EXHIBIT 1

**CHRONOLOGY: DEFENDANTS' FAILURE TO PRODUCE TIMELY
JOHN GORE'S COPY OF NEUMAN DRAFT LETTER**

- July 18, 2018: Defendants object to producing materials from Department of Justice (DOJ) as part of the Administrative Record.
- July 20, 2018: Plaintiffs serve subpoena on DOJ calling for production of *inter alia* “consultations, conversations, or communications within DOJ, and between or among DOJ representatives and any other person about the addition of the Citizenship Question.”
- October 3, 2018: DOJ’s fourth production, consisting of 18,133 pages. The accompanying privilege log contained four documents withheld on deliberative process privilege (and in two cases, attorney-client communication and attorney work product doctrine) that failed to provide Local Rule 26.2(a)(2)(A) information. *See* Ex. 1-A at lines 15197-15200.
- October 5, 2018: Plaintiffs send email noting that the four entries do not set forth sufficient information to sustain a privilege and demand that they be produced or logged. Ex. 1-B
- October 15, 2018: Plaintiffs raised in the joint status report Defendants’ failure to substantiate the basis for withholding the four documents and that any privilege claim was accordingly waived. ECF No. 380 at 2.
- October 23, 2018: DOJ produces its sixth, seventh, and eighth productions, consisting of just under 92,000 pages, along with written discovery responses. In the cover email, Defendants stated that it was withdrawing the deliberative process objection as to DOJ 15199 and that “it can be released in full, and will be coming later this afternoon.” Defendants further represented that all four documents were “collected from John Gore” and that “no metadata exists for author, recipient, date or time.” Ex. 1-C. The email did not indicate the document was drafted by Mr. Neuman.
- When Defendants produced DOJ 15199, it was relabeled as DOJ 129991. The document contained no information indicating it came from Mr. Neuman.
- October 26, 2018: Mr. Gore is deposed. During his testimony, Mr. Gore identified nine other individuals involved in drafting the DOJ request letter, including Mr. Uthmeier, whom Mr. Gore credited with providing information “that was considered by the Department of Justice in drafting its request.” Gore Tr. 123-124. Mr. Gore did identify Mr. Neuman as someone involved in drafting the request. Defendants issued a blanket objection on deliberative process privilege to any testimony by Mr. Gore about his meeting with Mr. Neuman. Gore Tr. 450.

EXHIBIT 1-A

□□□	□□□: Beg. Bate	Prod.: End Bates	Prod.: Beg. Attac	Prod.: End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3	DOJ00002721	DOJ00002721	DOJ00002721	DOJ00002722	Tucker, Rachael (OAG)	Gore, John (CRT)		12/8/2017 12:00			Letter.msg	WIF	DPP	Email between DOJ lawyers deliberating about edits and changes to a draft of the Gary Letter.
4	DOJ00002722	DOJ00002722	DOJ00002721	DOJ00002722	N/A	N/A				12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
7	DOJ00002736	DOJ00002736	DOJ00002735	DOJ00002736	N/A	N/A				11/29/2017 16:52	Dr.Jarmin Census Bureau Letter.pdf	WIF	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final Gary Letter.
8	DOJ00002738	DOJ00002738	DOJ00002738	DOJ00002739	Gary, Arthur (JMD)	Gore, John (CRT)		11/3/2017 17:10			Close Hold Draft Letter.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
9	DOJ00002739	DOJ00002739	DOJ00002738	DOJ00002739	N/A	N/A				11/3/2017 15:34	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final letter.
24	DOJ00002786	DOJ00002786	DOJ00002785	DOJ00002786	N/A	N/A				11/29/2017 10:19	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of Gary letter dated November 29, 2018.
149	DOJ00003740	DOJ00003740	DOJ00003740	DOJ00003741	Pickett, Bethany (CRT)	Aguinaga, Ben (CRT)		11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Private email address redacted.
150	DOJ00003741	DOJ00003741	DOJ00003740	DOJ00003741	N/A	N/A			John Gore	10/31/2017 11:17	Letter.docx	WIF	AWP;DPP	This document is a preliminary draft of the Gary letter, to which changes were later made.
162	DOJ00003890	DOJ00003890	DOJ00003889	DOJ00003890	N/A	N/A			John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	11/3/17 draft of letter from DOJ to DOC re request to reinstate citizenship question on 2020 census questionnaire
309	DOJ00014793	DOJ00014794	DOJ00014793	DOJ00014795	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/2017 16:26			RE: Letter.msg	Redacted	DPP; PII	Email deliberations regarding proposed edits to the final letter and deliberations regarding the timing for sending the letter. Additionally, PII containing individuals' email addresses and phone numbers.
310	DOJ00014795	DOJ00014795	DOJ00014793	DOJ00014795	N/A	N/A	N/A			12/8/2017 16:23	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter.
311	DOJ00014796	DOJ00014796	DOJ00014796	DOJ00014797	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/2017 20:47			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
312	DOJ00014797	DOJ00014797	DOJ00014796	DOJ00014797	N/A	N/A	N/A			11/29/2017 20:46	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the final letter reflecting proposed edits to its text.
313	DOJ00014798	DOJ00014799	DOJ00014798	DOJ00014800	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/2017 9:21			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
314	DOJ00014800	DOJ00014800	DOJ00014798	DOJ00014800	N/A	N/A	N/A			11/30/2017 9:20	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the final letter reflecting proposed edits to the text
315	DOJ00014801	DOJ00014801	DOJ00014801	DOJ00014802	Gore, John (CRT)	Pickett, Bethany (CRT)	N/A	11/3/2017 17:35			Letter.msg	Redacted	PII	Attorney phone number.
316	DOJ00014802	DOJ00014802	DOJ00014801	DOJ00014802	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Draft of the final letter reflecting proposed edits and comments on the text.
317	DOJ00014803	DOJ00014803	DOJ00014803	DOJ00014804	Gore, John (CRT)	Herren, Chris (CRT)	Aguinaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Attorney email addresses and contact information.
318	DOJ00014804	DOJ00014804	DOJ00014803	DOJ00014804	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	WIF	DPP	Draft of the final letter reflecting proposed edits and comments on the text.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
321	DOJ00014821	DOJ00014825	DOJ00014821	DOJ00014826	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
322	DOJ00014826	DOJ00014826	DOJ00014821	DOJ00014826	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	This is a draft of the Gary letter which contains edits and comments which are different from the final version and which reflect internal agency deliberations.
323	DOJ00014827	DOJ00014831	DOJ00014827	DOJ00014833	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 15:57			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
324	DOJ00014832	DOJ00014832	DOJ00014827	DOJ00014833	N/A	N/A	N/A			12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
325	DOJ00014833	DOJ00014833	DOJ00014827	DOJ00014833	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
326	DOJ00014834	DOJ00014837	DOJ00014834	DOJ00014839	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/30/2017 16:21			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and email addresses as PII. Redacted part of email chain which reflects internal agency deliberations over draft of the Gary letter.
327	DOJ00014838	DOJ00014838	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
328	DOJ00014839	DOJ00014839	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
329	DOJ00014840	DOJ00014841	DOJ00014840	DOJ00014842	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/2017 16:17			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
330	DOJ00014842	DOJ00014842	DOJ00014840	DOJ00014842	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
331	DOJ00014843	DOJ00014846	DOJ00014843	DOJ00014847	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/27/2017 13:25			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted e-mail addresses and phone numbers as PII. Redacted internal agency deliberations about drafts of the Gary Letter.
332	DOJ00014847	DOJ00014847	DOJ00014843	DOJ00014847	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
333	DOJ00014848	DOJ00014848	DOJ00014848	DOJ00014849	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/2017 12:42			Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter. Redacted phone numbers and emails as PII.
334	DOJ00014849	DOJ00014849	DOJ00014848	DOJ00014849	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
335	DOJ00014850	DOJ00014852	DOJ00014850	DOJ00014853	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/25/2017 16:32			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted emails and phone numbers as PII. Redacted part of email chain as deliberative inter-agency discussions concerning a draft of the Gary letter.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
336	DOJ00014853	DOJ00014853	DOJ00014850	DOJ00014853	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
337	DOJ00014854	DOJ00014854	DOJ00014854	DOJ00014855	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/3/2017 17:10			Close Hold: Draft Letter.msg	Redacted	PII	Redacted phone number and email address as PII
338	DOJ00014855	DOJ00014855	DOJ00014854	DOJ00014855	N/A	N/A	N/A			11/3/2017 15:34	Letter (rev).docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
339	DOJ00014856	DOJ00014856	DOJ00014856	DOJ00014857	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted phone number and email as PII
340	DOJ00014857	DOJ00014857	DOJ00014856	DOJ00014857	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Draft of the final letter
345	DOJ00014877	DOJ00014879	DOJ00014877	DOJ00014881	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII Redacted intra-agency deliberative discussion concerning a draft of the Gary letter
346	DOJ00014880	DOJ00014880	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
347	DOJ00014881	DOJ00014881	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
367	DOJ00014946	DOJ00014951	DOJ00014946	DOJ00014951	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:44			Re 2020 census questions (52).msg	Redacted	DPP	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
368	DOJ00014952	DOJ00014956	DOJ00014952	DOJ00014956	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:43			Re 2020 census questions (53).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
369	DOJ00014957	DOJ00014961	DOJ00014957	DOJ00014961	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 13:41			RE 2020 census questions (54).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
370	DOJ00014962	DOJ00014966	DOJ00014962	DOJ00014966	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 13:27			RE 2020 census questions (55).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
371	DOJ00014967	DOJ00014971	DOJ00014967	DOJ00014971	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 12:02			RE 2020 census questions (56).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
372	DOJ00014972	DOJ00014976	DOJ00014972	DOJ00014976	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:56			Re 2020 census questions (57).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
373	DOJ00014977	DOJ00014980	DOJ00014977	DOJ00014980	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 11:45			RE 2020 census questions (58).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
374	DOJ00014981	DOJ00014984	DOJ00014981	DOJ00014984	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/2017 11:43			RE 2020 census questions (59).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
375	DOJ00014985	DOJ00014988	DOJ00014985	DOJ00014988	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/1/2017 9:48			Re 2020 census questions (60).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
376	DOJ00014989	DOJ00014992	DOJ00014989	DOJ00014992	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	10/31/2017 17:56			RE 2020 census questions (61).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
377	DOJ00014993	DOJ00014995	DOJ00014993	DOJ00014995	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	10/31/2017 15:35			RE 2020 census questions (62).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
383	DOJ00015008	DOJ00015013	DOJ00015008	DOJ00015013	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 14:57			Re 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
391	DOJ00015057	DOJ00015061	DOJ00015057	DOJ00015063	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/2017 15:57			RE Close Hold Draft Letter (38).msg	Redacted	DPP; PII	Redacted internal agency deliberations concerning drafts of the Gary Letter, and PII that could lead to unsolicited contact.
392	DOJ00015062	DOJ00015062	DOJ00015057	DOJ00015063	N/A	N/A	N/A			12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	Draft of Gary letter containing proposed revisions and edits
393	DOJ00015063	DOJ00015063	DOJ00015057	DOJ00015063	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	Draft version of Gary letter containing proposed revisions and edits
394	DOJ00015064	DOJ00015067	DOJ00015064	DOJ00015069	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/2017 16:21			RE Close Hold Draft Letter (39).msg	Redacted	DPP; PII	Email discussion concerning revisions to draft of Gary letter. PII redacted to avoid unsolicited contact.
395	DOJ00015068	DOJ00015068	DOJ00015064	DOJ00015069	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
396	DOJ00015069	DOJ00015069	DOJ00015064	DOJ00015069	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Undated draft of Gary letter that is marked confidential
397	DOJ00015070	DOJ00015073	DOJ00015070	DOJ00015074	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/27/2017 13:25			RE Close Hold Draft Letter (49).msg	Redacted	DPP; PII	Email discussion about revisions to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
398	DOJ00015074	DOJ00015074	DOJ00015070	DOJ00015074	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
399	DOJ00015075	DOJ00015077	DOJ00015075	DOJ00015078	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/2017 16:32			RE Close Hold Draft Letter (50).msg	Redacted	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
400	DOJ00015078	DOJ00015078	DOJ00015075	DOJ00015078	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
401	DOJ00015079	DOJ00015081	DOJ00015079	DOJ00015083	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE Close Hold Draft Letter (51).msg	Redacted	DPP; PII	Email discussion of revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
402	DOJ00015082	DOJ00015082	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Undated draft of Gary letter that is marked confidential
403	DOJ00015083	DOJ00015083	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
404	DOJ00015084	DOJ00015088	DOJ00015084	DOJ00015089	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE Close Hold Draft Letter.msg	Redacted	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
405	DOJ00015089	DOJ00015089	DOJ00015084	DOJ00015089	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
418	DOJ00015131	DOJ00015131	DOJ00015130	DOJ00015131	N/A	N/A	N/A			12/11/2017 19:00	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft letter being circled for comments by Arthur Gary.
419	DOJ00015134	DOJ00015134	DOJ00015133	DOJ00015134	N/A	N/A	N/A			11/29/2017 10:19	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft letter from Arthur Gary.
421	DOJ00015137	DOJ00015137	DOJ00015136	DOJ00015137	N/A	N/A	N/A			12/12/2017 13:27	U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf	WIF	DPP	Draft Gary letter.
422	DOJ00015197	DOJ00015197	DOJ00015197	DOJ00015197	N/A	N/A	N/A					WIF	ACP; AWP; DPP	Note from James Uthmeier to John Gore accompanying memorandum written by James Uthmeier. Uthmeier prepared this document for the purpose of obtaining legal advice from the Department of Justice, and in anticipation of litigation. This document was considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
423	DOJ00015198	DOJ00015198	DOJ00015198	DOJ00015198	N/A	N/A	N/A					WIF	ACP; AWP; DPP	Memorandum written by James Uthmeier for the purpose of providing legal advice to his client and to aid in Commerce's deliberations about whether or not to add a citizenship question to the census, and in anticipation of litigation. The document was also shared with John Gore for the purpose of obtaining legal advice from the Department of Justice, and considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
424	DOJ00015199	DOJ00015199	DOJ00015199	DOJ00015199	N/A	N/A	N/A					WIF	DPP	
425	DOJ00015200	DOJ00015200	DOJ00015200	DOJ00015200	N/A	N/A	N/A					WIF	DPP	Draft powerpoint presentation containing deliberative material on the critical objective for Census 2020.
513	DOJ00020885	DOJ00020885	DOJ00020885	DOJ00020886	Pickett, Bethany (CRT)	Aguiñaga, Ben (CRT)	N/A	11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
514	DOJ00020886	DOJ00020886	DOJ00020885	DOJ00020886	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Predecisional draft of letter from Gary to Jarmin re "Request to Reinstate Citizenship Question on 2020 Census Questionnaire"
589	DOJ00028339	DOJ00028339	DOJ00028339	DOJ00028340	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact
590	DOJ00028340	DOJ00028340	DOJ00028339	DOJ00028340	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	ACP; AWP; DPP	Draft copy of the Gary letter attached to internal DOJ CRT attorney email.
597	DOJ00028374	DOJ00028374	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:09	Email 1 - 11.01.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
598	DOJ00028375	DOJ00028375	DOJ00028359	DOJ00028387	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Email 1 - 11.01.2017.pdf Letter.docx	WIF	DPP	draft of letter from DOJ to DOC
599	DOJ00028377	DOJ00028377	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:05	Email 2 - 11.01.2017.pdf	Redacted	PII	PII removed to avoid unsolicited contact.
600	DOJ00028379	DOJ00028379	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:06	Email 3 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
601	DOJ00028380	DOJ00028380	DOJ00028359	DOJ00028387	N/A	N/A	N/A			11/3/2017 14:04	Email 3 - 11.03.2017.pdf Letter (rev).docx	WIF	DPP	draft letter from DOJ to DOC, with redlines and comments
602	DOJ00028382	DOJ00028383	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:10	Email 4 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
603	DOJ00028385	DOJ00028386	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:11	Email 5 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
613	DOJ00029550	DOJ00029550	DOJ00029550	DOJ00029551	Gore, John (CRT)	Herren, Chris (CRT)	Aguiñaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
614	DOJ00029551	DOJ00029551	DOJ00029550	DOJ00029551	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	WIF	DPP	Draft of letter from Arthur Gary to Acting Director of Census Bureau, including attorney edits and comments.
615	DOJ00029552	DOJ00029555	DOJ00029552	DOJ00029555	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 9:48			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
616	DOJ00029556	DOJ00029557	DOJ00029556	DOJ00029557	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 10:08			Re: Census Letter.msg	Redacted	DPP; PII	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. PII also redacted to avoid unsolicited contact.
617	DOJ00029558	DOJ00029558	DOJ00029558	DOJ00029558	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	Redacted	DPP; PII	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. PII also redacted to avoid unsolicited contact.
620	DOJ00029561	DOJ00029563	DOJ00029561	DOJ00029563	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/2017 12:34			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
621	DOJ00029564	DOJ00029566	DOJ00029564	DOJ00029566	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/2017 11:29			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
651	DOJ00029779	DOJ00029780	DOJ00029779	DOJ00029780	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/2017 10:17			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
652	DOJ00029781	DOJ00029782	DOJ00029781	DOJ00029782	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/2017 9:38			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
653	DOJ00029783	DOJ00029783	DOJ00029783	DOJ00029783	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/2017 15:55			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
654	DOJ00029784	DOJ00029786	DOJ00029784	DOJ00029786	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/2017 11:50			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
655	DOJ00029787	DOJ00029788	DOJ00029787	DOJ00029788	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/2017 10:18			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
737	DOJ00030703	DOJ00030707	DOJ00030703	DOJ00030707	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:56			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
738	DOJ00030708	DOJ00030711	DOJ00030708	DOJ00030711	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:43			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
739	DOJ00030712	DOJ00030715	DOJ00030712	DOJ00030715	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	10/31/2017 17:56			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
748	DOJ00030733	DOJ00030738	DOJ00030733	DOJ00030738	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 14:57			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
749	DOJ00030739	DOJ00030744	DOJ00030739	DOJ00030744	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:44			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
750	DOJ00030745	DOJ00030749	DOJ00030745	DOJ00030749	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:43			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
807	DOJ00032176	DOJ00032179	DOJ00032176	DOJ00032179	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 11:45			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
808	DOJ00032180	DOJ00032183	DOJ00032180	DOJ00032183	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 9:48			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
809	DOJ00032184	DOJ00032186	DOJ00032184	DOJ00032186	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	10/31/2017 15:35			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
810	DOJ00032187	DOJ00032187	DOJ00032187	DOJ00032187	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	Redacted	AWP; DPP; PII	PII redacted to avoid unsolicited contact.
892	DOJ00034044	DOJ00034046	DOJ00034044	DOJ00034046	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
893	DOJ00034047	DOJ00034049	DOJ00034047	DOJ00034049	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
949	DOJ00034403	DOJ00034407	DOJ00034403	DOJ00034407	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:41 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
950	DOJ00034408	DOJ00034412	DOJ00034408	DOJ00034412	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:27 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
957	DOJ00034421	DOJ00034425	DOJ00034421	DOJ00034425	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 12:02 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
1039	DOJ00034584	DOJ00034586	DOJ00034584	DOJ00034586	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	10/31/17 3:35 PM			201710319478683 201710311935320000 Z D02044E31982761A8729623C7E11E761.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1040	DOJ00034587	DOJ00034590	DOJ00034587	DOJ00034590	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	10/31/17 5:56 PM			201710319487261 201710312156550000 Z E0F4343E0028A186B9CA5016FC77E121.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1041	DOJ00034591	DOJ00034594	DOJ00034591	DOJ00034594	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 9:48 AM			201711019544205 201711011348200000 Z 90506F9C550055A05A5648371268E9E1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1042	DOJ00034595	DOJ00034598	DOJ00034595	DOJ00034598	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 11:43 AM			201711019551161 201711011543140000 Z A0B834F14D152BE1F1BB06A444E35051.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1043	DOJ00034599	DOJ00034602	DOJ00034599	DOJ00034602	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 11:45 AM			201711019551221 201711011545250000 Z A0BC30F8DD258CC1E4 A275E73867B5D1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1044	DOJ00034603	DOJ00034607	DOJ00034603	DOJ00034607	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 11:56 AM			201711019551882 201711011556140000 Z A0E84B1ED371BFE102 E5028074343CE1.EML	Redacted	AWP; DPP	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1045	DOJ00034608	DOJ00034612	DOJ00034608	DOJ00034612	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:27 PM			201711019557342 201711011727090000 Z B0EC48C329843D9401 EB62EBFFB82BA1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1046	DOJ00034613	DOJ00034617	DOJ00034613	DOJ00034617	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:41 PM			201711019558243 201711011741550000 Z B1286B641DDEE38626 FA7DB9BB183181.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1047	DOJ00034618	DOJ00034622	DOJ00034618	DOJ00034622	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 1:43 PM			201711019558361 201711011743390000 Z B13044DE82A927CF86 2200A0B1175361.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1048	DOJ00034623	DOJ00034628	DOJ00034623	DOJ00034628	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 1:44 PM			201711019558481 201711011744540000 Z B1384C6236D3C80FEE ACEA614D85A591.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1049	DOJ00034629	DOJ00034633	DOJ00034629	DOJ00034633	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/1/17 12:02 PM			201711019562146 201711011602130000 ZCOC4865264DF786FA47BC0A2FE2A5E91.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1050	DOJ00034634	DOJ00034639	DOJ00034634	DOJ00034639	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 2:57 PM			201711019562808 201711011857580000 ZC0F0BF7E8DE407C1406FBBC3CBECAB31.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1051	DOJ00034640	DOJ00034640	DOJ00034640	DOJ00034641	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/3/17 5:10 PM			201711039743583 201711032110520000 ZE034384C3FBF5D7CB41BA005A7C40E11.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1052	DOJ00034641	DOJ00034641	DOJ00034640	DOJ00034641	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1053	DOJ00034642	DOJ00034642	DOJ00034642	DOJ00034643	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			201711039744003 201711032117450000 ZE050411D36D47B75BEFC3B678BD41611.EML	Redacted	PII	Removed attorney's phone number and email address.
1054	DOJ00034643	DOJ00034643	DOJ00034642	DOJ00034643	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1055	DOJ00034644	DOJ00034646	DOJ00034644	DOJ00034648	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			201711221390044 201711222230510000 ZF01041BD5E047D9550DE80C07CA32F31.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1056	DOJ00034647	DOJ00034647	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1057	DOJ00034648	DOJ00034648	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:20 PM	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking, and shows edits by a DOJ attorney.
1058	DOJ00034649	DOJ00034651	DOJ00034649	DOJ00034652	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/17 4:32 PM			201711251645764 201711252132490000 ZE0906C0F1DAA4D8A5D9C294DC9317FE1.EM L	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1059	DOJ00034652	DOJ00034652	DOJ00034649	DOJ00034652	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1060	DOJ00034653	DOJ00034656	DOJ00034653	DOJ00034657	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/27/17 1:25 PM			201711271807223 201711271825040000 Z C06C403B4F5D58FF5E BBE85C1B09FF61.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1061	DOJ00034657	DOJ00034657	DOJ00034653	DOJ00034657	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1062	DOJ00034659	DOJ00034659	DOJ00034658	DOJ00034659	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1063	DOJ00034661	DOJ00034661	DOJ00034660	DOJ00034661	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1064	DOJ00034662	DOJ00034665	DOJ00034662	DOJ00034667	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/17 4:21 PM			201711302077102 201711302121140000 Z E06436F2718CB389F1 3DFEC931741971.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1065	DOJ00034666	DOJ00034666	DOJ00034662	DOJ00034667	N/A	N/A	N/A			11/30/17 4:13 PM	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1066	DOJ00034667	DOJ00034667	DOJ00034662	DOJ00034667	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1067	DOJ00034669	DOJ00034669	DOJ00034668	DOJ00034669	N/A	N/A	N/A			11/29/17 4:52 PM	Dr.Jarmin Census Bureau Letter.pdf	WIF	DPP	Draft of the Gary Letter marked December 1 that pre-dates the final letter and would reveal internal agency deliberations and edits.
1068	DOJ00034670	DOJ00034674	DOJ00034670	DOJ00034676	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 3:57 PM			201712113000806 201712082057130000 Z 90787C385509AF5A46 2BC47FE7D80491.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1069	DOJ00034675	DOJ00034675	DOJ00034670	DOJ00034676	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits and comments by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1070	DOJ00034676	DOJ00034676	DOJ00034670	DOJ00034676	N/A	N/A	N/A			12/8/17 3:55 PM	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits and comments by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1071	DOJ00034677	DOJ00034681	DOJ00034677	DOJ00034682	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 4:42 PM			201712113000892 20171208214240000 Z 907E49B05195AD82E0 E214F4FB3FD11.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1072	DOJ00034682	DOJ00034682	DOJ00034677	DOJ00034682	N/A	N/A	N/A			12/8/17 4:41 PM	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1073	DOJ00034684	DOJ00034684	DOJ00034683	DOJ00034684	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking.
1289	DOJ00035857	DOJ00035857	DOJ00035856	DOJ00035857	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1290	DOJ00035859	DOJ00035859	DOJ00035858	DOJ00035859	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1291	DOJ00035861	DOJ00035861	DOJ00035860	DOJ00035861	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1292	DOJ00035862	DOJ00035864	DOJ00035862	DOJ00035866	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1293	DOJ00035865	DOJ00035865	DOJ00035862	DOJ00035866	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1294	DOJ00035866	DOJ00035866	DOJ00035862	DOJ00035866	N/A	N/A	N/A			11/22/17 5:20 PM	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1295	DOJ00035867	DOJ00035867	DOJ00035867	DOJ00035868	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			FW: Close Hold: Draft Letter.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
1296	DOJ00035868	DOJ00035868	DOJ00035867	DOJ00035868	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1297	DOJ00035869	DOJ00035873	DOJ00035869	DOJ00035873	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 11:43 AM			RE: 2020 census questions.msg	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1298	DOJ00035874	DOJ00035878	DOJ00035874	DOJ00035878	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	10/31/17 5:56 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1412	DOJ00036762	DOJ00036762	DOJ00036762	DOJ00036764	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			201711302078995~201711271742490000~Z~E0E285D7C9163BFD0A4FA7146796AA21.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1413	DOJ00036763	DOJ00036763	DOJ00036762	DOJ00036764	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1414	DOJ00036764	DOJ00036764	DOJ00036762	DOJ00036764	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
1415	DOJ00036765	DOJ00036765	DOJ00036765	DOJ00036766	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			201711302079057~201711301231170000~Z~E0E69CFD84AC62436D6E47294185D8B1.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1417	DOJ00036767	DOJ00036767	DOJ00036767	DOJ00036768	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			201711302080457~201711272055380000~Z~E1440E411662B55347993973EF03F4B1.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1418	DOJ00036768	DOJ00036768	DOJ00036767	DOJ00036768	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1419	DOJ00036769	DOJ00036769	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			201711302080493~201711300147500000~Z~E146604DDF65A2B9BD907C2DD7AA621.EM L	Redacted	PII	PII redacted to avoid unsolicited contact.
1420	DOJ00036770	DOJ00036770	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1421	DOJ00036771	DOJ00036771	DOJ00036769	DOJ00036771	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
1422	DOJ00036772	DOJ00036772	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201711302080496~201711301438010000~Z~E1469904F855D3E18E69088DB12FF911.EML	Redacted	PII	PII redacted to avoid unsolicited contact
1423	DOJ00036773	DOJ00036774	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1424	DOJ00036775	DOJ00036775	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			201711302080498~201711301517060000~Z~E146B49F43636364A8OD532FEF1C1881.EML	Redacted	PII	PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1425	DOJ00036776	DOJ00036777	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1426	DOJ00036778	DOJ00036778	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			201712012093187~201711301421440000~z~105c869bcb89af579d273914fea4bfa1.eml.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
1427	DOJ00036779	DOJ00036780	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1428	DOJ00036781	DOJ00036781	DOJ00036778	DOJ00036781	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays the edits of a DOJ attorney.
1429	DOJ00036782	DOJ00036782	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			201712012093188~201711301508400000~Z~105C9E03D2523449876F51BD75426761.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1430	DOJ00036783	DOJ00036784	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1431	DOJ00036785	DOJ00036785	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			201712012093188~201711301518320000~Z~105CA180F41C69D731C2770E31DEAC01.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1432	DOJ00036786	DOJ00036787	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1433	DOJ00036788	DOJ00036788	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			201712012093197~201711302117280000~Z~105D302E7C3791939613CA8686EF3A51.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1434	DOJ00036789	DOJ00036790	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1435	DOJ00036791	DOJ00036791	DOJ00036788	DOJ00036791	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and would reveal internal agency deliberations.
1436	DOJ00036792	DOJ00036792	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201712012093204 201711301438010000 z105da827cdc9036ec7f2ebba31fd431.eml.msg	Redacted	PII	PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1437	DOJ00036793	DOJ00036794	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1438	DOJ00036795	DOJ00036797	DOJ00036795	DOJ00036797	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			201712042405121 20 1712041629450000 Z B008219664FA3F168E 534E833F2A0EA1.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1439	DOJ00036798	DOJ00036800	DOJ00036798	DOJ00036800	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			201712042406381 20 1712041650440000 Z B05C1938B302A93BB5 F0ED07B3CD5A61.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1440	DOJ00036801	DOJ00036803	DOJ00036801	DOJ00036803	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			201712042409085 20 1712041734430000 Z B11070DD487F7AF895 F35BEEEF9FE4D1.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1441	DOJ00036804	DOJ00036804	DOJ00036804	DOJ00036805	Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/8/17 12:00 PM			201712082753699 20 1712081700070000 Z B0CEC9B0DD0C5850EC 20512E8D283171.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
1442	DOJ00036805	DOJ00036805	DOJ00036804	DOJ00036805	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
1443	DOJ00036806	DOJ00036807	DOJ00036806	DOJ00036808	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			201712113000846 20 1712082126480000 Z 907B26D4DCE59C78C1 4E623DDA38A2A1.EML	Redacted	DPP; PII	Discussion between DOJ attorneys concerning proposed changes to the draft Gary Letter and the process for issuing the Gary Letter. Discussions pre-date the final Gary Letter, and revealing them would reveal internal agency decisionmaking. PII also redacted to avoid unsolicited contact.
1444	DOJ00036808	DOJ00036808	DOJ00036806	DOJ00036808	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter that shows DOJ attorneys' edits.
1458	DOJ00036823	DOJ00036824	DOJ00036823	DOJ00036824	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Unspecified Sender	N/A	11/30/17 9:35 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1469	DOJ00036835	DOJ00036837	DOJ00036835	DOJ00036837	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1470	DOJ00036838	DOJ00036839	DOJ00036838	DOJ00036840	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1471	DOJ00036840	DOJ00036840	DOJ00036838	DOJ00036840	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	A draft of the Gary Letter that pre-dates the final version of the Gary Letter, and which would reveal internal DOJ decisionmaking.
1472	DOJ00036841	DOJ00036842	DOJ00036841	DOJ00036842	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1473	DOJ00036843	DOJ00036844	DOJ00036843	DOJ00036844	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1474	DOJ00036845	DOJ00036846	DOJ00036845	DOJ00036847	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1475	DOJ00036847	DOJ00036847	DOJ00036845	DOJ00036847	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the Gary Letter which pre-dates the final letter and would reveal internal DOJ deliberations if released.
1476	DOJ00036848	DOJ00036848	DOJ00036848	DOJ00036848	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1477	DOJ00036849	DOJ00036849	DOJ00036849	DOJ00036850	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1478	DOJ00036850	DOJ00036850	DOJ00036849	DOJ00036850	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	A draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
1483	DOJ00036855	DOJ00036856	DOJ00036855	DOJ00036857	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			RE: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
1484	DOJ00036857	DOJ00036857	DOJ00036855	DOJ00036857	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter
1485	DOJ00036858	DOJ00036860	DOJ00036858	DOJ00036860	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1486	DOJ00036861	DOJ00036863	DOJ00036861	DOJ00036863	Gore, John (CRT); Troester, Robert J. (ODAG)	Unspecified Sender	N/A	12/4/17 11:37 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1487	DOJ00036864	DOJ00036865	DOJ00036864	DOJ00036865	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1488	DOJ00036866	DOJ00036867	DOJ00036866	DOJ00036867	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1489	DOJ00036868	DOJ00036868	DOJ00036868	DOJ00036869	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1490	DOJ00036869	DOJ00036869	DOJ00036868	DOJ00036869	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
1491	DOJ00036870	DOJ00036870	DOJ00036870	DOJ00036870	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1742	DOJ00039774	DOJ00039774	DOJ00039774	DOJ00039775	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			FW Close Hold Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
1743	DOJ00039775	DOJ00039775	DOJ00039774	DOJ00039775	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft copy of the Gary Letter.
1850	DOJ00049887	DOJ00049887	DOJ00049873	DOJ00049893	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and reflects agency deliberations concerning the process of requesting the addition of a citizenship question. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
1853	DOJ00049890	DOJ00049890	DOJ00049873	DOJ00049893	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays comments and edits by DOJ attorneys. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
1938	DOJ00062345	DOJ00062345	DOJ00062331	DOJ00062352	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of letter to Census regarding reinstatement of the citizenship question.
1941	DOJ00062348	DOJ00062348	DOJ00062331	DOJ00062352	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft letter concerning reinstatement of citizenship question including comments from Justice Department attorney.
2136	DOJ00074717	DOJ00074717	DOJ00074703	DOJ00074724	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of Art Gary letter
2139	DOJ00074720	DOJ00074720	DOJ00074703	DOJ00074724	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft of Art Gary letter
2339	DOJ00107749	DOJ00107749	DOJ00107749	DOJ00107749	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	WIF	AWP; DPP; PII	Email chain discussing edits to draft letter to Census Bureau requesting citizenship question.
2422	DOJ00125619	DOJ00125619	DOJ00125619	DOJ00125620	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711291915764 20 1711290034220000 Z 00906A7B19402C2DA2 995E6039387E91.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
2423	DOJ00125620	DOJ00125620	DOJ00125619	DOJ00125620	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Proposed edits to the draft Gary Letter. Pre-dates the final Gary Letter and would reveal internal DOJ decisionmaking.
2424	DOJ00125621	DOJ00125621	DOJ00125621	DOJ00125621	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:28 PM			201712012098601 20 1711292328360000 Z 205D76CFA4F0764E47 ACBB67F94981D1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
2425	DOJ00125622	DOJ00125622	DOJ00125622	DOJ00125622	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201712012098602 201711292328040000 Z 205D81576DE0C6797B F9D652ABA96E51.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2426	DOJ00125623	DOJ00125623	DOJ00125623	DOJ00125623	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:03 PM			201712012098747 201711292303000000 Z 206738D3DFD5A396CE FDF25D8D345261.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2427	DOJ00125624	DOJ00125624	DOJ00125624	DOJ00125624	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201712012098758 201711292329280000 Z 2067F1C340F08DD90A F600D416993EC1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2428	DOJ00125625	DOJ00125625	DOJ00125625	DOJ00125625	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:29 PM			201712012098964 201711292329560000 Z 2075BA9652410F4FE4 3BF5164EED86B1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2429	DOJ00125626	DOJ00125626	DOJ00125626	DOJ00125627	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			201712082753741 201712081709530000 Z 80D18EBFDA75CCA255 162B5F45088841.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2430	DOJ00125627	DOJ00125627	DOJ00125626	DOJ00125627	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
2483	DOJ00125790	DOJ00125790	DOJ00125790	DOJ00125791	Morrissey, Brian (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			201712113000780 201712081946050000 Z 9076CBE572DEC33226 69C98D2F5F8A11.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2484	DOJ00125791	DOJ00125791	DOJ00125790	DOJ00125791	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which <u>reflect internal agency deliberations</u> .
2485	DOJ00125792	DOJ00125792	DOJ00125792	DOJ00125793	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			201712113000806 201712082057420000 Z 907875E53C7AF5AD37 2B5A67F54BFDA1.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2486	DOJ00125793	DOJ00125793	DOJ00125792	DOJ00125793	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
2487	DOJ00125794	DOJ00125794	DOJ00125794	DOJ00125795	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			RE: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2488	DOJ00125795	DOJ00125795	DOJ00125794	DOJ00125795	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3007	DOJ00128664	DOJ00128664	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711302080479~201711290034220000~z~e1457221d9055404630e5820dcdf09d1(1).eml.msg	Redacted	PII	Redactions made to PII.
3008	DOJ00128665	DOJ00128665	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			Census Letter.eml	Redacted	DPP; PII	Redactions made to PII and attorney's mental impressions regarding the census letter.
3009	DOJ00128666	DOJ00128669	DOJ00128664	DOJ00128669	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	Redacted	DPP; PII	Redacted in full of edits made to draft letter to US Census regarding 2020 census questions.
3010	DOJ00128670	DOJ00128670	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201711302080491~201711292328040000~z~e14649279c7adc288347c89d38e95e81.eml.msg	Redacted	PII	Redaction made to remove PII containing emails.
3011	DOJ00128671	DOJ00128671	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re Census Letter.eml	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3012	DOJ00128672	DOJ00128672	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201711302080492~201711292329280000~Z~E14649C817D60B2B48D2E53D81A83371.EML	Redacted	PII	PII redacted.
3013	DOJ00128673	DOJ00128673	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re Census Letter.eml	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3014	DOJ00128674	DOJ00128674	DOJ00128674	DOJ00128675	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			201712113000722~201712081855430000~z~9072d3973eb760028fb7e3e390998e11.eml	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3015	DOJ00128675	DOJ00128675	DOJ00128674	DOJ00128675	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agencydeliberations.
3055	DOJ00128771	DOJ00128771	DOJ00128771	DOJ00128772	Brian Morrissey (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3056	DOJ00128772	DOJ00128772	DOJ00128771	DOJ00128772	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
3057	DOJ00128773	DOJ00128773	DOJ00128773	DOJ00128774	N/A	Unspecified Sender	N/A	12/8/17 2:43 PM			FW: Letter.msg	Redacted	DPP; PII	Unsent, draft email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3058	DOJ00128774	DOJ00128774	DOJ00128773	DOJ00128774	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3059	DOJ00128775	DOJ00128775	DOJ00128775	DOJ00128775	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3060	DOJ00128776	DOJ00128776	DOJ00128776	DOJ00128776	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3061	DOJ00128777	DOJ00128777	DOJ00128777	DOJ00128777	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3062		DOJ00128778	DOJ00128778	DOJ00128778	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3063	DOJ00128779	DOJ00128779	DOJ00128779	DOJ00128780	Gene Hamilton (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			Census Letter.msg	Redacted	PII	Private contact information redacted.
3064	DOJ00128780	DOJ00128780	DOJ00128779	DOJ00128780	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft version of Gary letter with edits.
3067	DOJ00128783	DOJ00128783	DOJ00128783	DOJ00128784	Gene Hamilton (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3068	DOJ00128784	DOJ00128784	DOJ00128783	DOJ00128784	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
3093	DOJ00128848	DOJ00128848	DOJ00128848	DOJ00128849	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3094	DOJ00128849	DOJ00128849	DOJ00128848	DOJ00128849	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

EXHIBIT 1-B

From: Freedman, John A.
Sent: Friday, October 5, 2018 8:32 AM
To: Bailey, Kate (CIV); Goldstein, Elena; zzz.External.DHo@aclu.org; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV); Wells, Carlotta (CIV)
Cc: zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Wood, Laura; Raines, Chase
Subject: New York State et al. v. Commerce, 18-cv-2921

Counsel --

This is a follow up to the DOJ production of October 3 regarding certain privilege assertions.

1. The log entries for DOJ 15197, 15198, 15199, and 15200 do not set forth sufficient information as to the documents to allow us to assess the privilege claims. Please produce the documents or substantiate the basis why they have been withheld by providing the author, recipient(s), custodians, and date/time of these documents.
2. In conjunction with our pending motion challenging DOJ deliberative privilege assertions (ECF 343), we intend to supplement that motion to challenge the certain related sets of deliberative privilege assertions. Please advise as to your position regarding the following sets of documents:
 - a. Materials related to the September 11, 2017 exchange between Mr. Gore and Gary. E.g., DOJ 14907, 14922, 14996, 15002, 15006, 30720, 30723 and 30725.
 - b. Further communications related to Mr. Gore's initial draft of the December 12 letter around late October and early November 2017. E.g., DOJ 14801, 14802, 14803, 14854, 14856, 14857, 14946, 14952, 14957, 14962, 14967, 14972, 14977, 14981, 14985, 14989, 14993, 15008, 20885, 20886, 28339, 28375, 29550, 29552, 30703, 30708, 30712, 30733, 30739, 30745, 32176, 32180, and 32184.
 - c. Subsequent drafts of the request letter. E.g., DOJ 14793, 14798, 14827, 14840, 14848, 14850, 14877, 15075, 15079, 29558, 29564, 29783, and 29784.


Thank you for your prompt attention to these matters.

Best regards,

John

John A. Freedman





From: Bailey, Kate (CIV) [REDACTED]
Sent: Wednesday, October 03, 2018 1:10 PM
To: Goldstein, Elena; Freedman, John A.; zzz.External.DHo@aclu.org; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV); Wells, Carlotta (CIV)
Cc: zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Wood, Laura; Raines, Chase
Subject: DOJ Production

Counsel,

As promised in my email last night, disks containing the most-recent DOJ production have been sent by courier to Arnold & Porter and by Federal Express to the NYAG Plaintiffs' counsel. Please find attached a production letter and privilege log.

The password for the disks is F3dpgr20M!!!

Kate Bailey



EXHIBIT 1-C

From: Bailey, Kate (CIV) <[REDACTED]>
Sent: Tuesday, October 23, 2018 3:23 PM
To: Freedman, John A.; Federighi, Carol (CIV); Ehrlich, Stephen (CIV); Coyle, Garrett (CIV); Wells, Carlotta (CIV)
Cc: zzz.External.DHo@aclu.org; Cc: Khan, Sania; asenteno@MALDEF.org; Todd Grabarsky; Raines, Chase; Thomas, Tina; Goldstein, Elena; Colangelo, Matthew; Gabrielle.Boutin@doj.ca.gov; Duraiswamy, Shankar; Matthew Wise; Rosenberg, Ezra; 'Case, Andrew'
Subject: Remaining discovery productions
Attachments: 10 23 2018 production letter prod 6.pdf; 10 23 2018 production letter prod 7.pdf; 10 23 2018 production letter prod 8.pdf; Defendants Responses to NY 3rd Interrogatories to All Defendants.pdf; Defendants Responses to NYIC RFA Commerce.pdf; Partial DOJ Priv Log -- 6th Production.pdf; Partial DOJ Priv Log -- 7th Production.pdf; Partial DOJ Priv Log -- 8th Production.pdf; DOJ00129966.pdf; DOJ00129967.pdf; DOJ00129970.pdf; DOJ00129973.pdf; DOJ00129975.pdf; DOJ00129977.pdf; DOJ00129985.pdf; DOJ00129988.pdf; DOJ00129990.pdf; Commerce Production 6 Privilege Log.pdf; Commerce Production 6 Production Letter.pdf; COM_DIS00014338 (replacement).pdf; COM_DIS00014335 (replacement).pdf

Counsel,

In accordance with Judge Furman's order at last week's status conference, I write to provide most of the outstanding written discovery productions.

- Today we overnighted materials to the NYAG's offices and sent the same materials by courier to Arnold and Porter's DC offices.
 - Production letters for DOJ Productions 6, 7, and 8 are attached, as well as the accompanying privilege logs.
 - Production 7 is on an encrypted flash drive because it was too large to fit on CDs. The password for the drive is 333774206277, and instructions for use are included in the box. Kindly return the flash drives to us after you've copied the files, please. The remaining productions are on CDs, and the password is F3dprg20M!!!
 - Production 7 includes several "dead," or missing bates numbers, due to an inadvertent error on our end. The production was too large for us to re-run once we discovered those errors, so please understand that any missing bates numbers you observe in Prod007 are intentional.
 - In response to Dale Ho's email of 10/7, we previously produced 115 documents without bates numbers. Today we have also transmitted bates numbered versions of these documents. We did not previously address DOJ 15200, but we have determined that that document can be released in full. It will be provided by separate email later today.
 - In response to the DOJ doc issues raised in John Freedman's email of October 5th at 8:32 am, you requested that we produce email chains represented at DOJ 14907, 14922, 14996, 15002, 15006, 30720, 30723 and 30725. We have determined that we can release this chain in full, and these documents are attached to this email.
 - You requested more information about DOJ 15197, 15198, 15199, and 15200. These documents were in hard copy, and therefore no metadata exists for author, recipient, date, or time. These materials were collected from John Gore. As noted above, we have determined that DOJ 15200 can be released in full. In addition, we have determined that DOJ 15199 can be released in full, and will be coming later this

afternoon. As noted in the privilege log entry for DOJ 15198, it is a copy of the Uthmeier memo provided to Gore, and DOJ 15198 is a note that accompanied DOJ 15197. These documents will not be released.

- Also attached are the production letter and privilege log for Commerce Production 6.
- On Thursday, 10/8, Elena wrote to us requesting the basis for our request to claw back two documents. The replacement documents also are attached. Information has been redacted as privileged in these two documents for the reasons set forth in the privilege log for the same redactions in COM_DIS00014369, Row 114.
- Also attached to this email are Defendants' responses to NYIC Plaintiffs' RFAs to the Department of Commerce and responses to the Third Interrogatories to all Defendants. Responses to NYIC Plaintiffs' RFAs to Census will be coming later today.
- By separate email momentarily, I will be providing you re-produced versions of the documents we produced on October 9th in response to Judge Furman's order—the new versions have both the original and new bates numbers.
- Sahra Park-Su is available for deposition this Thursday. David Langdon is available this Friday and, per my earlier email, John Gore's earliest date of availability also is Friday.

Kate Bailey

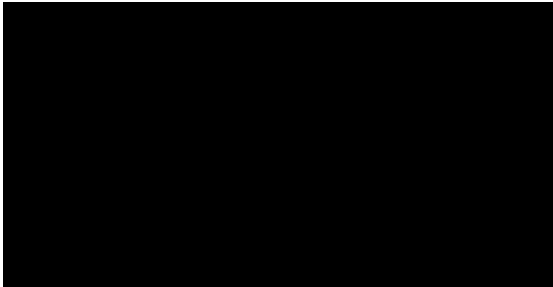


EXHIBIT 1-D

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2

- - - - -x

3 NEW YORK IMMIGRATION :
4 COALITION, et al., :
5 :
6 Plaintiffs, :
7 : Case No.
8 v. :
9 : 1:18-CF-05025-JMF
10 UNITED STATES DEPARTMENT :
11 OF COMMERCE, et al., :
12 :
13 Defendants. :
14 - - - - -x

15 Friday, October 16, 2018
16 Washington, D.C.

10

11

12 Videotaped Deposition of:

13 JOHN GORE,

14 called for oral examination by counsel for the
15 Plaintiffs, pursuant to notice, at the law offices of
16 Covington & Burling, LLP, One City Center, 850 Tenth
17 Street, Northwest, Washington, D.C. 20001-4956,
18 before Christina S. Hotsko, RPR, CRR, of Veritext
19 Legal Solutions, a Notary Public in and for the
20 District of Columbia, beginning at 9:05 a.m., when
21 were present on behalf of the respective parties:
22

1 A P P E A R A N C E S

2 On behalf of New York Immigration Coalition:

DALE HO, ESQUIRE

3 JONATHAN TOPAZ, ESQUIRE

American Civil Liberties Union Foundation

4 915 15th Street, Northwest

Washington, D.C. 20005

5 (202) 675-2337

dale.ho@aclu.org

6

7 On behalf of Lupe Plaintiffs:

DENISE HULETT, ESQUIRE

8 MALDEF

1512 14th Street

9 Sacramento, California 95814

(916) 642-6352

10 dhulett@maldef.org

11 ERI ANDRIOLA, ESQUIRE

Asian Americans Advancing Justice

12 1620 L Street, Northwest, Suite 1050

Washington, D.C. 20036

13 (202) 296-2300

14

On behalf of City of San Jose and Black Alliance for
15 Just Immigration:

JON M. GREENBAUM, ESQUIRE

16 DORIAN L. SPENCE, ESQUIRE

Lawyers Committee for Civil Rights Under Law

17 1401 New York Avenue, Northwest, Suite 400

Washington, D.C. 20005

18 (202) 662-8324

jgreenbaum@lawyerscommittee.org

19 dspence@lawyerscommittee.org

20

21

22

1 A P P E A R A N C E S C O N T I N U E D

2

On behalf of Kravitz Plaintiffs:

3

TINA M. THOMAS, ESQUIRE

Covington & Burling, LLP

4

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850 Tenth Street, Northwest

5

Washington, D.C. 20001-4956

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tthomas@cov.com

7

On behalf of the State of California:

8

GABRIELLE D. BOUTIN, ESQUIRE (Via Telephone)

California Department of Justice

9

Office of the Attorney General

1300 I Street

10

P.O. Box 944255

Sacramento California 94244-2550

11

(916) 210-6053

gabrielle.boutin@doj.ca.gov

12

13 On behalf of Defendants:

JOSH GARDNER, ESQUIRE

14

REBECCA KOPPLIN, ESQUIRE

ALICE LACOUR, ESQUIRE

15

BRETT SHUMATE, ESQUIRE

U.S. Department of Justice, Civil Division

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20 Massachusetts Avenue, Northwest

Washington, D.C. 20530

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(202) 514-4522

18

VALERIE M. NANNERY, ESQUIRE

ANDREW SAINDOM, ESQUIRE

19

Office of the Attorney General for D.C.

One Judiciary Square

20

441 Fourth Street, Northwest, Suite 600 South

Washington, D.C. 20001

21

(202) 442-9596

valerie.nannery@dc.gov

22

1 A P P E A R A N C E S C O N T I N U E D

2 On behalf of Defendants:

 DAVID DOREY, ESQUIRE

3 DAVID DEWHIRST, ESQUIRE

 U.S. Department of Commerce

4 1401 Constitution Avenue Northwest

 Washington, D.C. 20230

5 (202) 482-2000

6

 Also Present:

7 Dan Reidy, Video Technician

8

9

10

11

12

13

14

15

16

17

18

Veritext Legal Solutions

 Mid-Atlantic Region

 1250 Eye Street NW - Suite 350

19

Washington, D.C. 20005

20

21

22

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1 BY MR. HO:
2 Q. This is marked as Exhibit 11. This is an
3 e-mail to you -- from you to Mr. Herren -- Chris
4 Herren, sorry -- dated November 1st, 2017, with a
5 cc to Ben Aguinaga, correct?
6 A. That is correct.
7 Q. Chris Herren is the chief of the voting
8 section, correct?
9 A. Yes. And a great lawyer.
10 Q. The subject line of your e-mail is,
11 Confidential and closehold draft letter, correct?
12 A. That's correct.
13 Q. And in your e-mail to Mr. Herren you say
14 that the draft letter is attached, correct?
15 A. Correct.
16 Q. Did you write the draft letter that is
17 attached to this e-mail?
18 A. Yes, I did.
19 Q. The draft letter that is attached to this
20 e-mail is an early draft of the December 12th
21 letter from the Department of Justice to the
22 Census Bureau requesting a citizenship question on

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215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

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1 the 2020 census questionnaire, correct?
2 A. Correct.
3 Q. Is it fair to say that you wrote the
4 first draft of the letter from the Department of
5 Justice to the Census Bureau requesting a
6 citizenship question on the 2020 census
7 questionnaire?
8 A. Is that a question? I'm sorry. That
9 sounded like a statement.
10 Q. No. It was a question.
11 A. Okay.
12 Q. Is it fair to say that you wrote the
13 first draft of the letter from the Department of
14 Justice to the Census Bureau requesting a
15 citizenship question on the 2020 census
16 questionnaire?
17 A. Yes.
18 Q. You write in this e-mail that you
19 discussed the draft letter with Mr. Herren
20 yesterday.
21 Would that have been your first
22 conversation with Mr. Herren about the citizenship

VERITEXT NATIONAL COURT REPORTING COMPANY
215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

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1 question on the census?
2 A. I don't recall.
3 Q. When was your first conversation, if you
4 recall, with Mr. Herren about the citizenship
5 question on the census?
6 A. I don't recall.
7 Q. Did you have any conversations with
8 Mr. Herren about the citizenship question before
9 you sent this letter to him?
10 A. Yes.
11 Q. How many conversations did you have with
12 Mr. Herren before you sent the draft of the letter
13 to him?
14 A. I don't recall exactly. It would have
15 been a few.
16 Q. More than one?
17 A. Yes.
18 Q. Days before you sent him the letter?
19 Weeks before? Months before? Do you have a
20 recollection about approximate time?
21 A. I don't have an exact recollection. I
22 would say in the days before I sent him the

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Page 129

1 letter.
2 Q. Were those conversations in person or by
3 phone?
4 A. I can recall conversations by phone. And
5 there may have been conversations in person. I
6 can't recall.
7 Q. Did you have more than five conversations
8 with Mr. Herren about the citizenship question?
9 A. At what time?
10 Q. Before you sent him the draft letter.
11 A. Probably not.
12 Q. So more than one but fewer than five
13 conversations about the citizenship question
14 before you sent him the draft letter?
15 A. Sounds about right.
16 Q. You describe this as confidential and
17 closehold.
18 What do you mean by confidential and
19 closehold?
20 A. I meant that Mr. Herren should review the
21 letter and this was not for broad dissemination,
22 as it represented a draft. And I had asked him to

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1 take a look at it.

2 **Q.** When you say confidential and closehold,
3 does that mean that Mr. Herren was not permitted
4 to share the draft letter with anyone?

5 **A.** No. It meant that if he was interested
6 in sharing the draft letter with someone, he could
7 ask me if he was allowed to do that.

8 **Q.** So your understanding was that Mr. Herren
9 should ask you before sharing any drafts of the
10 letter with anyone?

11 **A.** I believe my understanding was that he
12 should communicate with me if he wanted to share
13 this particular draft with anyone.

14 **Q.** Did Mr. Herren ever communicate with you
15 that he wanted to share the draft letter with
16 anyone?

17 **A.** I can't recall.

18 **Q.** Do you know whether or not Mr. Herren
19 shared this draft letter with anyone?

20 **A.** I don't.

21 **Q.** Do you know if Mr. Herren discussed the
22 issues in the draft letter with anyone?

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1 **A.** Whether he discussed the issues in the
2 draft letter? At what time?

3 **Q.** Around the time that you sent the copy of
4 the draft letter to him.

5 **A.** Well, I know he discussed them with me.
6 Other than that, I don't know.

7 **Q.** Do you know if Mr. Herren discussed the
8 issues raised in the draft letter with any voting
9 section personnel?

10 **A.** I don't.

11 **Q.** Why did you consider this letter to be
12 confidential and closehold?

13 **A.** I considered it to be confidential and
14 closehold because it was a draft and related to an
15 issue that was important to people in the
16 department.

17 **Q.** Did you not want it to become public
18 information that the Department of Justice at this
19 point was drafting a letter to request a
20 citizenship question on the 2020 census
21 questionnaire?

22 **MR. GARDNER:** Objection to form.

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1 **THE WITNESS:** I never want any of our
2 drafts to become public information unless
3 required by legal process because I believe that
4 the Department of Justice should facilitate robust
5 and open conversation and deliberations at all
6 level before a decision is made.

7 **BY MR. HO:**

8 **Q.** I didn't ask if you wanted the draft to
9 not become public. I just asked if you wanted the
10 fact that the Department of Justice was drafting a
11 letter to request a citizenship question on the
12 2020 census questionnaire, if you wanted that fact
13 to remain non-public at this time.

14 **A.** I would have preferred that that fact
15 remain non-public because the final letter hadn't
16 been issued and no final decision had yet been
17 made about it.

18 (Gore Deposition Exhibit 12 marked for
19 identification and attached to the
20 transcript.)

21 **BY MR. HO:**

22 **Q.** I'm going to show you a document. We've

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1 marked this as Exhibit 12. This has Bates number
2 DOJ 00003740. It was produced to us in discovery.
3 The top e-mail is from Ben Aguinaga on November
4 3rd to Bethany Pickett.

5 Here, Mr. Aguinaga is forwarding the
6 e-mail that you sent to Mr. Herren with the draft
7 letter to Bethany Pickett, correct?

8 **A.** That appears to be correct, yes.

9 **Q.** Did you authorize Mr. Aguinaga to send
10 the draft letter that you had sent to Mr. -Herren
11 to forward that to Bethany Pickett?

12 **A.** Yes.

13 **Q.** Now, at the time, Mr. Aguinaga and
14 Ms. Pickett both worked with you in the front
15 office of the civil rights division, correct?

16 **A.** That's correct.

17 **Q.** Both of them were political hires rather
18 than career staff, correct?

19 **A.** Correct.

20 **Q.** And you hired both Mr. Aguinaga and
21 Ms. Pickett, correct?

22 **A.** No, I did not.

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1 **Q.** Who hired Mr. Aguinaga and Ms. Pickett?
 2 A. I believe it was my predecessor, Tom
 3 Wheeler.

4 **Q.** Both of them had been law clerks for
 5 Judge Edith Jones on the Fifth Circuit, correct?

6 A. That's correct.

7 **Q.** Just like Mr. Shumate, correct?

8 A. I don't know.

9 **Q.** Both of them graduated from law school in
 10 2015 or more recently, correct?

11 A. Sounds about right.

12 **Q.** Before coming to the civil rights
 13 division, neither Mr. Aguinaga nor Ms. Pickett had
 14 any experience as counsel in cases under the
 15 Voting Rights Act, correct?

16 MR. GARDNER: Object to lack of
 17 foundation.

18 THE WITNESS: I don't know.

19 BY MR. HO:

20 **Q.** You're not aware of any experience that
 21 Mr. Aguinaga or Ms. Pickett had as counsel in
 22 Voting Rights Act cases prior to them coming to

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1 the civil rights division, correct?

2 A. That's correct.

3 **Q.** You're not aware of any experience that
 4 either Mr. Aguinaga or Ms. Pickett had assessing
 5 the reliability of CVAP data for purposes of VRA
 6 enforcement, correct?

7 A. That's correct.

8 (Gore Deposition Exhibit 13 marked for
 9 identification and attached to the
 10 transcript.)

11 BY MR. HO:

12 **Q.** I'll give you a document marked as
 13 Exhibit 13. This is an e-mail from Ms. Pickett to
 14 you also on November 3rd, 2017, correct?

15 A. Appears to be, yes.

16 **Q.** Ms. Pickett writes to you, "I have
 17 attached the letter that we discussed yesterday.
 18 I would be happy to discuss this further. Please
 19 let me know if you have any questions regarding
 20 any comments and edits."

21 It's accurate to say that Ms. Pickett
 22 offered comments and edits to the draft of the

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1 letter requesting a citizenship question on the
 2 census that you had previously sent to Mr. Herren,
 3 correct?

4 A. Correct.

5 **Q.** What were the substance of the
 6 conversations that you had had with Ms. Pickett
 7 about that letter?

8 MR. GARDNER: Objection. Calls for
 9 information subject to deliberative process
 10 privilege. I instruct the witness not to answer.

11 THE WITNESS: Consistent with that
 12 instruction, I can't answer.

13 BY MR. HO:

14 **Q.** What were the substance of her edits to
 15 the draft of the letter?

16 MR. GARDNER: Same objection. Same
 17 instruction.

18 THE WITNESS: Consistent with that
 19 instruction, I can't answer.

20 BY MR. HO:

21 **Q.** Other than Ms. Pickett, Mr. Aguinaga, and
 22 Mr. Herren, did you solicit input on the draft

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1 letter from anyone else within the civil rights
 2 division?

3 A. Not that I can recall.

4 **Q.** Other than Ms. Pickett, Mr. Aguinaga, and
 5 Mr. Herren, did you receive input on the draft
 6 letter from anyone else within the civil rights
 7 division?

8 A. Not that I can recall.

9 **Q.** Sometime after you wrote the first draft
 10 of this e-mail, you had a conversation with Peter
 11 Davidson at the Department of Commerce, correct?

12 A. Yes. That would be correct.

13 **Q.** So sometime in November of 2017, you had
 14 conversation -- you had a conversation with
 15 Mr. Davidson about the citizenship question,
 16 correct?

17 A. Yes. At some point I would have.

18 **Q.** How many conversations did you have with
 19 Mr. Davidson in November of 2017 about the
 20 citizenship question?

21 A. I don't recall exactly how many.

22 **Q.** What, if anything, did you communicate to

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1 Mr. Davidson about the Department of Justice's
2 process for requesting a citizenship question on
3 the census during November of 2017?

4 MR. GARDNER: Objection. Vague. Also
5 objection -- to the extent it calls for
6 information subject to deliberative process
7 privilege, I instruct you not to answer. To the
8 extent you can answer that without divulging such
9 information, you may answer.

10 THE WITNESS: Consistent with that
11 instruction, I can't answer.

12 (Gore Deposition Exhibit 14 marked for
13 identification and attached to the
14 transcript.)

15 BY MR. HO:

16 Q. I show you a document that's been marked
17 as Exhibit 14. It's an e-mail exchange between
18 you, Robert Troester, T-r-o-e-s-t-e-r, and
19 Rachael, spelled R-a-c-h-a-e-l, Tucker.

20 The top e-mail on the thread is
21 November 30th, 2017. This was produced to us in
22 discovery. The electronic version has DOJ 14798

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1 on it, although the hard copy doesn't have that
2 Bates number.

3 It we look at the bottom of this page,
4 the first e-mail on this thread is from you to
5 Ms. Tucker and Mr. Troester on November 27th,
6 2017, correct?

7 A. That's correct. Except that he
8 pronounces his last name Troester.

9 Q. Troester. Thank you.

10 You had a conversation on this day, the
11 same day, with Mr. Davidson, correct?

12 A. On November 27th?

13 Q. 2017. Correct?

14 A. I don't recall that specifically, but
15 it's certainly possible.

16 Q. Now, at this time, Ms. Tucker was counsel
17 in the front office of the attorney general,
18 correct?

19 A. That's correct.

20 Q. And Mr. Troester was associate deputy
21 attorney general, correct?

22 A. That's my understanding, yes.

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1 Q. Okay. Now, neither Ms. Tucker nor
2 Ms. [sic] Troester, as far as you're aware, had
3 any experience as counsel in Voting Rights Act
4 cases, correct?

5 A. Mr. Troester -- yes. That's correct.

6 Q. What about Ms. Tucker?

7 A. Also correct. You called him
8 Ms. Troester, so -- sorry.

9 Q. Thank you.

10 A. But, yes, I was not aware that either had
11 any enforcement responsibility or experience with
12 respect to the Voting Rights Act.

13 Q. And as far as you're aware, neither of
14 them had any experience assessing the reliability
15 of CVAP data used in Voting Rights Act litigation,
16 correct?

17 A. Correct.

18 Q. Ms. Tucker and Mr. Troester were both
19 political appointees in the Department of Justice
20 at this time, correct?

21 A. That's correct for Ms. Tucker. I believe
22 Mr. Troester was a career employee on detail to

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1 the office of deputy attorney general and had
2 served a long career in the Department of Justice
3 as an assistant United States attorney, and maybe
4 even more than once as the acting United States
5 attorney in his home state of Oklahoma.

6 Q. In your e-mail to them on November 27th,
7 you wrote, "Attached please find the near final
8 draft of the letter to census on the citizenship
9 issue we discussed a couple of weeks ago."

10 So you had discussed the citizenship
11 issue with Ms. Tucker and Mr. Troester a few weeks
12 before the date of this e-mail, November 27th,
13 2017, correct?

14 A. Correct.

15 Q. When were your first conversations with
16 either Ms. Tucker or Mr. Troester about the
17 citizenship question?

18 A. I don't recall specifically when they
19 were. Probably in September of 2017 or early
20 October. And I had a handful to several
21 conversations with each of them about that issue.

22 At the time, Ms. Tucker was responsible

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1 for the civil rights division portfolio in the
2 Office of Attorney General and Mr. Troester was
3 responsible for the civil rights division
4 portfolio in the Office of the Deputy Attorney
5 General. So I had many conversations with them
6 over time about issues related to the civil rights
7 division.

8 **Q.** You described the draft of the letter as
9 a near final draft, correct?

10 **A.** Correct.

11 **Q.** So fair to say that on November 27th,
12 2017, a decision had already been made to request
13 a citizenship question on the census?

14 **A.** No, I don't think that's fair to say.

15 **Q.** Okay. Ms. Tucker and Mr. Troester both
16 offered you edits to the letter, correct?

17 **A.** I believe that's correct.

18 (Gore Deposition Exhibit 15 marked for
19 identification and attached to the
20 transcript.)

21 BY MR. HO:

22 **Q.** This is a document marked as Exhibit 15.

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1 It's another e-mail chain between you and
2 Mr. Gary. The top e-mail is dated November 30th,
3 2017.

4 **A.** Uh-huh.

5 **Q.** This was also produced to us. And in the
6 e-mail at the top from you to Mr. Gary you write,
7 "Art, I have received some nits back from the
8 leadership offices which are reflected in the
9 attached red-line and clean versions. The
10 leadership offices have requested additional time
11 to review these through the weekend. I told them
12 that would be fine, so let's plan to be ready to
13 send this out on Monday."

14 Did I read this right?

15 **A.** Yes, you did.

16 **Q.** Okay. And the nits that you're referring
17 to from the leadership offices, those are the
18 edits from Ms. Tucker and Mr. Troester, correct?

19 **A.** Yes, it would include those edits. And I
20 don't know -- I can't recall whether other edits
21 also would have been included.

22 **Q.** You can't -- you're not aware of any

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1 other edits that you were referring to beyond
2 Ms. Tucker's and Mr. Troester's when you refer to
3 nits back from the leadership offices?

4 **A.** That's correct.

5 **Q.** And your plan was to be -- this was
6 Thursday, November 30th. So your plan would
7 have -- was to be ready to send this out by
8 December 4th, Monday, correct?

9 **A.** That sounds right.

10 **Q.** So as of this point, November 30th, 2017,
11 a decision had already been made to request the
12 citizenship question, correct?

13 **A.** No, not at all.

14 **Q.** If a decision had not been made to
15 request a citizenship question, why did you tell
16 Mr. Gary to be ready to send the letter out on
17 Monday?

18 **A.** I thought we needed to be ready in case a
19 decision were made by then.

20 **Q.** All right.

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1 (Gore Deposition Exhibit 16 marked for
2 identification and attached to the
3 transcript.)

4 BY MR. HO:

5 **Q.** Exhibit 16 is what I'm handing to you
6 now. Another e-mail chain between you and
7 Mr. Gary. The top e-mail on the thread is dated
8 December 8th, 2017. The subject line of this is,
9 Request for citizenship information. December 8
10 red-line edits, 002. Is that right?

11 **A.** Appears to be right, yeah.

12 **Q.** When you say leadership's final changes
13 in this e-mail in the second line -- you write,
14 "Attached is a red-line of a letter with
15 leadership's final changes" -- you're referring to
16 additional edits that you received from Ms. Tucker
17 and Mr. Troester, correct?

18 **A.** Possibly. I don't know exactly which
19 edits I'm referring to here.

20 **Q.** Well, what were the final edits from
21 leadership? I mean, who was leadership? When you
22 wrote "leadership" here, who were you referring

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1 to?

2 A. I would have been referring to the
3 leadership offices at the Department of Justice,
4 which may have included the Office of Attorney
5 General, the Office of Deputy Attorney General,
6 and the Office of Associate Attorney General.

7 Q. Is there anyone that you can think of who
8 was giving you edits in the last few days before
9 this letter was sent from any of those offices
10 other than Ms. Tucker and Mr. Troester?

11 A. Not that I can specifically recall.

12 Q. So fair to say, when you're referring to
13 leadership's final changes, you're referring to,
14 to the best of your recollection, some edits from
15 Ms. Tucker and Mr. Troester, correct?

16 MR. GARDNER: Objection.
17 Mischaracterizes the witness' prior testimony.

18 THE WITNESS: Yeah, I don't recall
19 whether they came from Ms. Tucker, Mr. Troester,
20 or somebody else.

21 BY MR. HO:

22 Q. You write, "With these changes, we are

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1 you wrote that, a decision had been made as of
2 December 8th, 2017, to send the citizenship
3 question -- the request for the citizenship
4 question as long as it had these changes, correct?

5 A. No, I don't think that's correct.

6 Q. You wrote, "With these changes, we are
7 authorized to send."

8 A. That's correct.

9 Q. So as soon as you made those changes to
10 that letter, you had authorization to send that
11 letter, correct?

12 A. I believe we might have had authorization
13 to send, but it would have been my practice to
14 check in one last time before the letter was sent.

15 Q. Okay. You didn't have reason to believe
16 that you weren't authorized to send the letter
17 once you had made those changes as of
18 December 8th, 2017, right, Mr. Gore?

19 A. I don't recall what I thought or didn't
20 think on December 8th of 2017.

21 Q. Okay. You didn't say in this e-mail to
22 Mr. Gary that you were going to check in again

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1 authorized to send. Sending on Monday is fine."

2 Did I read that correctly?

3 A. That's correct.

4 Q. Okay. When you say, "authorized to
5 send," who provided authorization to send the
6 letter with those changes?

7 A. I don't recall specifically who
8 communicated that. It would have come from
9 someone in the leadership office.

10 Q. Was it Ms. Tucker or Mr. Troester?

11 A. Again, I don't recall specifically who it
12 was.

13 Q. Was it Attorney General Sessions who gave
14 your authorization to send the letter with these
15 edits?

16 MR. GARDNER: Objection. Asked and
17 answered.

18 THE WITNESS: Again, I don't recall
19 exactly who it was.

20 BY MR. HO:

21 Q. When you say, "With these changes we are
22 authorized to send," on December 8th, 2017, when

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1 after you made these changes, did you?

2 MR. GARDNER: Objection.

3 Mischaracterizes the document.

4 THE WITNESS: I did not use those words
5 in that e-mail.

6 BY MR. HO:

7 Q. You didn't tell Mr. Gary in this e-mail
8 that, after these changes were made, you would
9 have to check in with leadership one more time
10 before sending it, right?

11 A. Again, I did not use those words in that
12 e-mail, but that's standard practice, certainly my
13 standard practice, and I believe the standard
14 practice of others at the Department of Justice.

15 Q. You sent this e-mail on Friday,
16 December 8th, which means Monday would have been
17 Monday, December 11th, correct?

18 A. That's correct.

19 Q. And you wrote that sending on Monday,
20 which would have been December 11th, would be
21 fine, correct?

22 A. Correct. And what I was -- I believe I

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1 was conveying there is that Mr. Gary didn't need
2 to work late on a Friday night during the holiday
3 season to send the letter out.

4 **Q.** So just so I understand the process here,
5 you had -- you first had communications about the
6 issue of a citizenship question sometime around
7 Labor Day of 2017, correct?

8 **A.** Give or take, yes, that's correct.

9 **Q.** You drafted the initial draft of the
10 letter to request the citizenship question
11 sometime around the end of October or early
12 November of 2017, correct?

13 **A.** Correct.

14 **Q.** The conversations to add the citizenship
15 question with the Department of Commerce were not
16 initiated by the civil rights division, correct?

17 **A.** Correct.

18 **Q.** And they were not initiated by the
19 Department of Justice, correct?

20 **A.** That's my working understanding.

21 **Q.** Around the time that you wrote the first
22 draft of this letter, you received input from

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1 from whom you received input on the letter was
2 from Mr. Herren, correct?

3 **A.** That's correct.

4 **Q.** After that period of early November
5 of 2017 when you had drafted the initial draft of
6 that letter, Mr. Herren gave you some edits,
7 correct?

8 **A.** That's correct.

9 **Q.** After that time, did you receive any
10 further edits from Mr. Herren to the draft letter?

11 **A.** I don't recall one way or the other.

12 **Q.** So you have no recollection of receiving
13 input from career civil rights division staff on
14 the letter requesting a citizenship question other
15 than that one occasion in early November around
16 the time of the first draft from Mr. Herren,
17 correct?

18 **A.** I believe that's correct. Yeah.

19 **Q.** You continued to revise the letter after
20 early November of 2017 with input from different
21 people. But after that first round of edits from
22 Mr. Herren, you received no subsequent edits from

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1 three individuals: Mr. Herren, Ms. Pickett, and
2 Mr. Gary, correct?

3 **A.** Yes. And I may have received input from
4 others as well.

5 **Q.** Around the time of the first draft of the
6 letter in early November of 2017, who else did you
7 receive input from other than Mr. Herren,
8 Ms. Pickett, and Mr. Gary?

9 **A.** Mr. Aguinaga would have provided -- may
10 have provided some input. I would have had
11 discussions on -- regarding the letter generally
12 with Patrick Hovakimian, who at the time was
13 detailed to the Office of Associate Attorney
14 General, and with Jesse Panuccio in the Office of
15 the Associate Attorney General.

16 And I had various conversations with
17 others at various times throughout this process.
18 But I don't recall who else I would have spoken to
19 at that particular moment in time, around
20 November 1st of 2017.

21 **Q.** Okay. Around November 1st of 2017, the
22 only career staff in the civil rights division

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1 people who were career staff in the civil rights
2 division, correct?

3 **MR. GARDNER:** Objection. Compound.

4 **THE WITNESS:** To the extent I understand
5 your question, I believe that's correct.
6 **BY MR. HO:**

7 **Q.** During this period when you were revising
8 the letter to request a citizenship question, you
9 had multiple conversations with legal staff at the
10 Department of Commerce, correct?

11 **A.** Yes.

12 **Q.** And the edits that you were receiving to
13 the letter from other DOJ personnel included
14 political appointees in the front office of the
15 Department of Justice and in the front office of
16 the civil rights division, correct?

17 **A.** I -- certainly that's correct with
18 respect to the leadership offices at the
19 Department of Justice. I can't remember if I was
20 receiving edits from the front office of the civil
21 rights division at that time after receiving the
22 edits from Ms. Pickett.

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EXHIBIT 2

CHRONOLOGY: DEFENDANTS' INTERCESSION IN NEUMAN'S PRODUCTION

- September 19, 2018: Plaintiffs seek leave to take deposition of Mark Neuman. ECF 338.
- September 21, 2018: Defendants oppose motion, contending “[t]he record does not indicate that Mr. Neuman provided any particularly significant consultations on the citizenship question.” ECF 346 at 2.
- September 27, 2018: Court grants motion to take Mr. Neuman’s deposition. ECF 356.
- October 2, 2018: Plaintiffs requested Defendants to accept service on behalf of Mr. Neuman or to forward the subpoena to Mr. Neuman with a request to contact Plaintiffs. Ex. 2-A. Approximately 90 minutes later, Mr. Neuman’s lawyer contacted plaintiffs and agreed to accept service. Plaintiffs issued a subpoena later that day requesting document production by October 5 and the deposition on October 12.
- October 3, 2018: Mr. Neuman’s counsel confirmed his availability to be deposed on the afternoon of October 12.
- October 4, 2018: Mr. Neuman’s counsel wrote to plaintiffs advising that “Mr. Neuman is continuing to go through his papers” and his “hope” was to make production on October 9. Ex. 2-B
- October 9, 2018: Mr. Neuman’s lawyer writes that he “will email the documents as soon as I have completed the review” and noted that Neuman had a “non-disclosure agreement with the [Presidential] transition and has documents marked privilege.”
- October 10, 2018: Mr. Neuman’s lawyer unilaterally cancelled the deposition and indicated he would not be producing documents.
- October 23, 2018: Mr. Neuman’s lawyer offers to conduct the deposition on Sunday, October 28.
- October 24, 2018: Mr. Neuman’s lawyer advises plaintiffs Department of Justice lawyers (Messrs. Gardner and Rosenberg) are reviewing the production. Ex. 2-C.
- Later that morning, Mr. Neuman’s lawyer issues a retroactive objection to the subpoena as overbroad and indicates he will not be producing certain emails. Ex. 2-D.
- Mr. Neuman produces 373 pages of documents, but does not include any of his emails or correspondence with anyone.

- October 25, 2018: Department of Justice contacts plaintiffs to advise that it is withholding seven documents from Mr. Neuman's production on the basis of deliberative privilege. Ex. 2-E.
- October 28, 2018: Mr. Neuman is deposed. In addition to counsel from Department of Justice (Mr. Rosenberg), the Commerce Department is represented by Mr. Uthmeier.
- October 28, 2018: Plaintiffs file motion to compel production of the deliberative privilege documents. ECF 414.
- October 30, 2018: Defendants file opposition to motion to compel, contending that Mr. Neuman "functioned as a trusted adviser and consultant to the agency" and "act[ed] analogously to an agency employee" and that "he and Commerce were engaged in a common enterprise of seeking to improve the 2020 Census." ECF 451 at 3.

With this submission, Mr. Uthmeier submitted a declaration stating that Mr. Neuman "was consulted during the Secretary's deliberations in response to the Department of Justice request." ECF 451-2 ¶ 8.

EXHIBIT 2-A

From: Freedman, John A.
Sent: Tuesday, October 2, 2018 9:00 AM
To: 'Bailey, Kate (CIV)'
Cc: Young, Dylan Scot; Federighi, Carol (CIV); Ehrlich, Stephen (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Wells, Carlotta (CIV); 'Goldstein, Elena'; 'Colangelo, Matthew'; dale.ho@aclu.org; zzz.External.SBrannon@aclu.org; Gersch, David P.; Grossi, Peter T.
Subject: RE: NYS v Commerce - Subpoena Service
Categories: Red Category

Counsel --

The Administrative Record reflects numerous senior officials and lawyers at the Commerce Department have been in contact with Mr. Neuman. Indeed, your clients previously asserted there was sufficient relationship with him to assert privilege over certain communications with him.

If your position is that you do not have sufficient control over Mr. Neuman to accept service on his behalf (i) please immediately provide whatever contact information your clients have for Mr. Neuman, including his email address (which has been redacted from documents in the AR, including AR 2051) and (ii) please have Mr. Uthmeier, Mr. Davidson, or Mr. Walsh (all of whom communicated with Mr. Neuman) forward the subpoenas to him with a request to contact counsel at his earliest convenience.

Best regards,

John

John A. Freedman

From: Bailey, Kate (CIV) [mailto:]
Sent: Monday, October 01, 2018 8:01 PM
To: Young, Dylan Scot; Federighi, Carol (CIV); Ehrlich, Stephen (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Wells, Carlotta (CIV)
Cc: Freedman, John A.
Subject: RE: NYS v Commerce - Subpoena Service

Counsel,

Thank you for your email. Please note that, as Mr. Neuman is not a government employee, Defendants are unable to accept service of his subpoena or deposition notice. Plaintiffs will need to serve Mr. Neuman individually and coordinate the date/time with him. We do appreciate your sharing this information as a courtesy, however, and ask that, should the date for Mr. Neuman's deposition change, that Plaintiffs inform us so we may ensure coverage to attend the deposition.

Kate Bailey



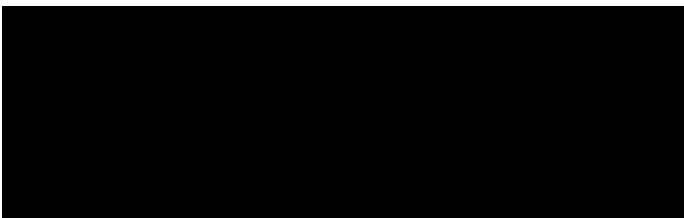
From: Young, Dylan Scot [REDACTED]
Sent: Monday, October 01, 2018 7:54 PM
To: Bailey, Kate (CIV) <[REDACTED]>; Federighi, Carol (CIV) <[REDACTED]>; Ehrlich, Stephen (CIV) <[REDACTED]>; Halainen, Daniel J. (CIV) <[REDACTED]>; Tomlinson, Martin M. (CIV) <[REDACTED]>
Cc: [REDACTED]; Young, Dylan Scot <[REDACTED]>
Subject: NYS v Commerce - Subpoena Service

Counsel:

Please find attached subpoenas for Mark Neuman.

Thank you.

Dylan Young
Associate



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For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>

EXHIBIT 2-B

From: Howard Feldman [REDACTED]
Sent: Thursday, October [REDACTED]
To: Duraiswamy, Shankar <[REDACTED]>
Cc: Goldstein, Elena <[REDACTED]>; Peggy Neal <[REDACTED]>;
Kristi Blankenship <[REDACTED]>; Stan Wasser <[REDACTED]>; Altvater, B.J.,
[REDACTED]>; Amanda Davis <[REDACTED]>; A. Mark Neuman
[REDACTED]

Subject: State Of New York et al v. United States Department of Commerce et al

Dear Mr, Duraiswamy:

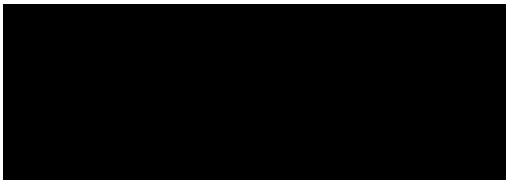
Mr. Neuman will be here hopefully by 2:00 pm if we don't have any travel related issues. I am not sure how long you are expecting to go but certainly we can go a reasonable period past 5:00 p.m. (local time) if necessary. I will not agree to having the deposition go late into the evening as I don't see any reason to do that at this point. I think the best way to put it would be we will take it up at the time of the deposition. Under Illinois rules depositions without court approval are limited to three hours but I do understand this is a deposition being taken pursuant to the Federal Rules of Civil Procedure. I would hope that only one person will be doing the questioning from each side of the litigation, however I am not sure of all of the parties and in making that comment my belief is that the sides are each aligned together.

As to the documents, Mr. Neuman is continuing to go through his papers. He will need to review all of his papers/files to comply-these are not all stored on a computer so one cannot do a global search. My hope is that I will have them Tuesday and if possible I will scan them and email them to you. I am not sure the size and if it is too large for an email I am more than willing to find another way to get them to you promptly after receipt. Mr. Neuman does not have a scanner or staff and he is an individual who has to not only do what you have requested but also meet his other business commitments.

I would like to know exactly how many attorneys will be present so I can make sure I have the conference room set up appropriately. If you have any questions or comments feel free to contact me.

Howard W. Feldman

Howard W. Feldman
[REDACTED]



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EXHIBIT 2-C

From: Howard Feldman <[REDACTED]>
Sent: Wednesday, October 24, 2018 9:53 AM
To: Duraiswamy, Shankar
Subject: RE: NY v. Dept of Commerce

I am going to sound stupid-but what do you mean by NDA. I have also been advised that the documents seeking to be privileged are on a government privilege log. I am working with a Brad Rosenberg and a Josh Gardner at DOJ. Working on the document production now. Probably will come as multiple emails.

Howard

Howard W. Feldman

[REDACTED]

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From: Duraiswamy, Shankar [REDACTED]
Sent: Wednesday, October 24, 2018 9:53 AM
To: Howard Feldman [REDACTED]
Cc: A. Mark Neuman ([REDACTED]); Stan Wasser ([REDACTED]);
Rosenberg, Brad (CIV) [REDACTED]; Altvater, B.J., [REDACTED]
Subject: RE: NY v. Dept of Commerce

Howard,

Thanks for the update. A few responses:

1. Please send the documents that are not allegedly privileged asap. Given the timing we need to review them promptly and don't want to wait on the privilege log.
2. Please let me know who at the government you have been dealing with on privilege issues, so we know who to reach out to.
3. If you are withholding any documents based on an NDA, please identify what the NDA says about providing information or documents pursuant to court order or legal process. Thanks.

Best regards,
Shankar

-----Original Message-----

From: Howard Feldman <[REDACTED]>

Sent: Wednesday, October 24, 2018 9:35 AM

To: Duraiswamy, Shankar <[REDACTED]>

Cc: A. Mark Neuman <[REDACTED]>; Stan Wasser <[REDACTED]>;
Rosenberg, Brad (CIV <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Going to work on that this morning. There are a few documents that the government is claiming a privilege and I will provide as close as I can to a detailed privilege log. Those issues are between you and the government but I do not want my client to get into trouble releasing documents that are privileged.

Howard W. Feldman

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-----Original Message-----

From: Duraiswamy, Shankar <[REDACTED]>

Sent: Wednesday, October 24, 2018 8:29 AM

To: Howard Feldman <[REDACTED]>

Cc: Altvater, B.J., <[REDACTED]>

Subject: RE: NY v.

I'm working on finding out. Where are we on documents?

-----Original Message-----

From: Howard Feldman <[REDACTED]>


Sent: Wednesday, October 24, 2018 9:26 AM

To: Duraiswamy, Shankar <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Thank you-do you have a count on the number of lawyers attending?

Howard W. Feldman



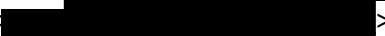
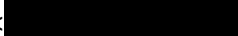
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-----Original Message-----

From: Duraiswamy, Shankar < >

Sent: Wednesday, October 24, 2018 7:56 AM


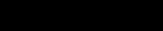
To: Howard Feldman <hfeldman@feldman.wa> 

Cc: Stan Wasser < >; Altvater, B.J., < >

Subject: Re: NY v. Dept of Commerce

Okay, thanks. Please keep in mind that we have seven hours on the record and while we don't expect to use all seven, we may well have to go past 5 pm.

Sent from my iPhone

On Oct 23, 2018, at 6:27 PM, Howard Feldman < >
 > wrote:

Mr. Neuman has indicated he can start at noon. That should be enough time I hope to get you out of here and on your way. Not that Illinois cannot use the extra revenue of staying the night. However, given the night getting you home is a good thing. I hope that helps a little. I will address the documents tomorrow.

Howard

Howard W. Feldman



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From: Duraiswamy, Shankar <[REDACTED]>
Sent: Tuesday, October 23, 2018 5:11 PM
To: Howard Feldman [REDACTED]
Subject: RE: NY v. Dep

Howard,

Can we start at 11 am? That would hopefully avoid our having to stay into Sunday evening and allow us to travel from and back to DC in the same day.

In addition, can you please produce asap the documents that you were prepared to produce before the stay was imposed? Thanks.

From: Duraiswamy, Shankar
Sent: Tuesday, October 23, 2018 2:05 PM
To: 'Howard Feldman' <[REDACTED]>
Subject: RE: NY v. Dept of Commerce

Thanks. Let's plan for Sunday. I will circle back on specifics.

From: Howard Feldman <[REDACTED]>
Sent: Tuesday, October 23, 2018 11:39 AM
To: Duraiswamy, Shankar <[REDACTED]>
Subject: NY v. Dept of Commerce

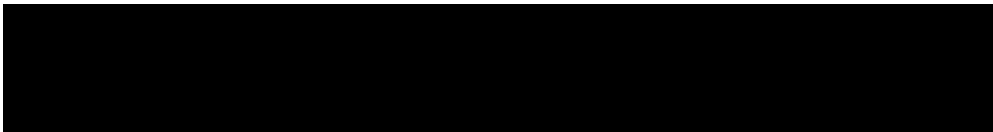
Shankar:

Mr. Neuman has two long schedule activities he coordinates and puts on for clients that deal with honoring military and/or a military museum. I would suggest we stick with Sunday. I do not know how the Federal Judges address matters in NY but it seems reasonable to provide reasonable notice to non-party deponents and deal with their schedule. I could say more but it probably is prudent to leave it at that. I feel badly screwing up your anniversary and I can assure you I do not want to be sitting in a deposition on Sunday when I have a evidentiary hearing set for Monday relating to a father trying to get to see his special needs child but it is what it is.

Let me know so I can plan accordingly.

Howard

Howard W. Feldman
[REDACTED]



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EXHIBIT 2-D

From: Howard Feldman <[REDACTED]>
Sent: Wednesday, October 24, 2018 9:58 AM
To: Duraiswamy, Shankar
Cc: A. Mark Neuman ([REDACTED]); Stan Wasser; Rosenberg, Brad (CIV); Gardner, Joshua E (CIV)
Subject: NY et. al. v. Dept of Commerce
Attachments: US Census Vendor Map. Presentations to Sec..pdf

Attached is the first group of documents responsive to the initial subpoena. Although we have not had the time to formally object-the last request that asks for every email/text related to the census is over broad and would require Mr. Neuman to go through an enormous group of emails, if at all possible. He has gone through and provided all of the emails and text that address communications concerning the census with the named individuals as best possible.

Howard

Howard W. Feldman

[REDACTED]

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EXHIBIT 2-E

From: Rosenberg, Brad (CIV) <[REDACTED]>
Sent: Thursday, October 25, 2018 6:17 PM
To: Duraiswamy, Shankar [REDACTED]
Cc: Gardner, Joshua E (CIV) [REDACTED]; Altvater, B.J., <[REDACTED]>
Subject: RE: NY v. Dept of Commerce

Hi Shankar:

Mr. Neuman served as a trusted advisor to the Department of Commerce on various Census Bureau matters. As you are likely aware, Mr. Neuman advised previous Secretaries of Commerce on census issues, including Secretary Mosbacher, Secretary Daley, and Secretary Evans. Here, Mr. Neuman's advisory capacity was modeled on the previous advisory role performed by John Thompson for Secretary Carlos Gutierrez during President George W. Bush's second term. Accordingly, his deliberative conversations concerning the census within the government, including documents reflecting or relating to those conversations, would be privileged. Nor is the deliberative process privilege waived merely because Mr. Neuman was an advisor to the Department of Commerce, rather than a Department of Commerce employee. *See Dep't of the Interior and Bureau of Indian Affairs v. Klamath Water Users Protective Ass'n*, 532 U.S. 1 (2001).

Thanks,
-Brad

From: Duraiswamy, Shankar [REDACTED]
Sent: Thursday, October 25, 2018 2:44 PM
To: Rosenberg, Brad (CIV) <[REDACTED]>
Cc: Gardner, Joshua E (CIV) [REDACTED]; Altvater, B.J., <[REDACTED]>
Subject: RE: NY v. Dept of Commerce

Brad,

Can you explain the basis for asserting privilege over communications and documents that were disclosed to a third party?

From: Rosenberg, Brad (CIV) <[REDACTED]>
Sent: Thursday, October 25, 2018 2:33 PM
To: Duraiswamy, Shankar <[REDACTED]>; Howard Feldman <[REDACTED]>; Altvater, B.J., [REDACTED]; Stan Wasser <[REDACTED]>
Cc: Gardner, Joshua E (CIV) [REDACTED]
Subject: RE: NY v. Dept of C

Hi Shankar:

Following-up on and updating my email below, we have identified seven documents in Mr. Neuman's possession that we are withholding on the basis of the deliberative process privilege:

- The first document is a January 9, 2018 memorandum from Barry Robinson to Peter Davidson and James Uthmeier. The document appears in the government's privilege logs at Bates Nos. 3731, 3733, 5418, and 8568.
- The second document is a pre-decisional draft list of materials to be considered by the Secretary and appears in the government's privilege logs at Bates No. 10296. The version of this document in Mr. Neuman's files is one page shorter than the version reflected in the privilege log, as it does not contain the "Draft chart of MOU updates" described in the log. The version of the document in Mr. Neuman's files also does not contain any handwritten notes.
- The third document is a pre-decisional draft list of administrative record considerations that appears in the government's privilege logs at Bates No. 10285.
- The fourth document is a Feb. 5, 2018 memorandum from Jessica Freitas to Karen Dunn Kelley & James Uthmeier. The document appears in the government's privilege logs at Bates No. 10249, though the version of the document in Mr. Neuman's files does not contain any handwritten notes.
- The fifth document is a draft of a Jan. 9, 2018 Memo with blank "To" and "From" fields. Though the exact version of this draft does not appear on our privilege logs, a subsequent version of this document (with the "To" and "From" fields filled-in) are logged at Bates Nos. 2021 and 3735.
- The sixth document is a draft list of Commerce discussion topics for Census senior management that appears in the government's privilege logs at Bates No. COM-_DIS00020920, though the version of this document in Mr. Neuman's files does not contain any handwritten notes.
- The seventh document does not appear on our privilege logs and is being identified here. It is a list of topics/questions regarding the citizenship question.

I am attaching the referenced privilege logs for your convenience. Please do not hesitate to contact me with any questions.

Thanks,
-Brad

From: Rosenberg, Brad (CIV)

Sent: Wednesday, October 24, 2018 5:26 PM

To: 'Duraismamy, Shankar' <sduraismamy@cov.com>; Howard Feldman <[REDACTED]>

Cc: A. Mark Neuman (<amarkneuman@cov.com>); Stan Wasser <[REDACTED]>;
Altvater, B.J., <[REDACTED]>; Gardner, Joshua E (CIV) <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Hi Shankar:

As Howard noted in his email below, we have identified five documents in Mr. Neuman's possession on which the government is asserting a privilege and that are being withheld. We believe that all five documents, or versions of those documents, have previously been identified on the government's privilege logs, but are in the process of confirming that. I hope to follow-up with more information about those documents, including identifying where they appear on those logs, shortly.

Thanks,
-Brad

From: Duraismamy, Shankar [REDACTED]

Sent: Wednesday, October 24, 2018 9:47 AM

To: Howard Feldman <[REDACTED]>

Cc: A. Mark Neuman (<amarkneuman@cov.com>); Stan Wasser <stanwasser@cov.com>;
Rosenberg, Brad (CIV) <[REDACTED]> Altvater, B.J., <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Howard,

Thanks for the update. A few responses:

1. Please send the documents that are not allegedly privileged asap. Given the timing we need to review them promptly and don't want to wait on the privilege log.
2. Please let me know who at the government you have been dealing with on privilege issues, so we know who to reach out to.
3. If you are withholding any documents based on an NDA, please identify what the NDA says about providing information or documents pursuant to court order or legal process. Thanks.

Best regards,
Shankar

-----Original Message-----

From: Howard Feldman <[REDACTED]>

Sent: Wednesday, Octob

To: Duraismamy, Shankar <sduraismamy@cov.com>

Cc: A. Mark Neuman (<amarkneuman@cov.com>); Stan Wasser <[REDACTED]>;

Rosenberg, Brad (CIV) <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Going to work on that this morning. There are a few documents that the government is claiming a privilege and I will provide as close as I can to a detailed privilege log. Those issues are between you and the government but I do not want my client to get into trouble releasing documents that are privileged.

Howard W. Feldman

[REDACTED]

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-----Original Message-----

From: Duraiswamy, Shankar <[REDACTED]>

Sent: Wednesday, October 24, 2018 8:29 AM

To: Howard Feldman <[REDACTED]>

Cc: Altwater, B.J., <[REDACTED]>

Subject: RE: NY v. D

I'm working on finding out. Where are we on documents?

-----Original Message-----

From: Howard Feldman <[REDACTED]>

Sent: Wednesday, October 24, 2018 9:26 AM

To: Duraiswamy, Shankar <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Thank you-do you have a count on the number of lawyers attending?

Howard W. Feldman

[REDACTED]

[REDACTED]

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-----Original Message-----

From: Duraiswamy, Shankar <[REDACTED]>

Sent: Wednesday, October 24, 2018 7:56 AM

To: Howard Feldman <[REDACTED]>

Cc: Stan Wasser <[REDACTED]>; Altvater, B.J., <[REDACTED]>

Subject: Re: NY v. Dept of Commerce

Okay, thanks. Please keep in mind that we have seven hours on the record and while we don't expect to use all seven, we may well have to go past 5 pm.

Sent from my iPhone

On Oct 23, 2018, at 6:27 PM, Howard Feldman <[REDACTED]>

[REDACTED] wrote:

Mr. Neuman has indicated he can start at noon. That should be enough time I hope to get you out of here and on your way. Not that Illinois cannot use the extra revenue of staying the night. However, given the night getting you home is a good thing. I hope that helps a little. I will address the documents tomorrow.

Howard

Howard W. Feldman

[REDACTED]

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From: Duraiswamy, Shankar <[REDACTED]>

Sent: Tuesday, October 23, 2018 5:11 PM

To: Howard Feldman <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Howard,

Can we start at 11 am? That would hopefully avoid our having to stay into Sunday evening and allow us to travel from and back to DC in the same day.

In addition, can you please produce asap the documents that you were prepared to produce before the stay was imposed? Thanks.

From: Duraiswamy, Shankar

Sent: Tuesday, October 23, 2018 2:05 PM

To: 'Howard Feldman' [REDACTED]

Subject: RE: NY v. Dep

Thanks. Let's plan for Sunday. I will circle back on specifics.

From: Howard Feldman [REDACTED]

Sent: Tuesday, October 23, 2018 11:39 AM

To: Duraiswamy, Shankar <[REDACTED]>

Subject: NY v. Dept of Com

Shankar:

Mr. Neuman has two long schedule activities he coordinates and puts on for clients that deal with honoring military and/or a military museum. I would suggest we stick with Sunday. I do not know how the Federal Judges address matters in NY but it seems reasonable to provide reasonable notice to non-party deponents and deal with their schedule. I could say more but it probably is prudent to leave it at that. I feel badly screwing up your anniversary and I can assure you I do not want to be sitting in a deposition on Sunday when I have a evidentiary hearing set for Monday relating to a father trying to get to see his special needs child but it is what it is.

Let me know so I can plan accordingly.

Howard

Howard W. Feldman
[REDACTED]

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EXHIBIT 3

DRAFTS AND INPUTS TO DECEMBER 12, 2017 DOJ REQUEST LETTER
 (Black -- produced; Red -- redacted for deliberative privilege; Blue -- withheld in full)

Reviewers/Revisers/Authors	Date/Time	Bates Number(s) of Draft	Bates Number(s) of Related Correspondence
Gary	December 12, 2017 13:27	DOJ 15137	DOJ 15136
Gary	December 11, 2017 19:00	DOJ 15131, 34684, 35857	DOJ 15130, 34683, 35856
Gore, Gary	December 8, 2017 16:41 (redline)	DOJ 14826, 15089, 34682	DOJ 14821, 15084, 34677
Tucker, Gore	December 8, 2017 16:23	DOJ 14795, 36808, 36857	DOJ 14793, 36806, 36855
Gore, Gary	December 8, 2017 15:55 (clean)	DOJ 14833, 15063, 34676	DOJ 14827, 15057, 34670
Morrissey, Tucker	December 8, 2017 15:11 (redline)	DOJ 125793, 125795	DOJ 125792, 125794
Hamilton, Tucker, Morrissey, Gore	December 8, 2017 11:28 (redline)	DOJ 2722, 36805, 125627, 125791, 128675, 128772, 128774, 128784, 128849	DOJ 2721, 36804, 125626, 125790, 128674, 128771, 128773, 128783, 128848
Tucker, Troester, Gore	November 30, 2017 16:16 (clean)	DOJ 14839, 14842, 36791, 36840	DOJ 14834, 14840, 29561, 29564, 29784, 32187, 34044, 34047, 36788, 36789, 36795, 36798, 36801, 36835, 36838, 36838, 36858, 36861
Gore, Gary	November 30, 2017 16:13 (redline)	DOJ 14838, 15068, 34666	DOJ 14834, 15064, 34662
Tucker, Troester, Gore	November 30, 2017 9:20	DOJ 14800, 36781, 36847	DOJ 14798, 36773, 36776, 36778, 36779, 36783, 36786, 36793, 36823, 36841, 36843, 36845, 36848, 36864, 36866, 107749
Tucker, Troester, Gore	November 29, 2017 20:46 (redline)	DOJ 14797, 36771, 36869	DOJ 14796, 29556, 29558, 29781, 29787, 36765, 36766m 36769, 36770, 36772, 36773, 36775, 36776, 36782, 36783, 36785, 36792, , 36868
Gary	November 29, 2017 16:52	DOJ 2736	DOJ 2735

Reviewers/Revisers/Authors	Date/Time	Bates Number(s) of Draft	Bates Number(s) of Related Correspondence
Gary	November 29, 2017 10:19	DOJ 2786, 15134, 34659, 35859, 35861	DOJ 2785, 15133, 34658, 35858, 35860
Hamilton, Tucker, Troester, Gore	November 25, 2017 16:28	DOJ 14849, 36764, 36850, 125620, 128666, 128780	DOJ 14848, 29783, 36763, 36768, 36849, 36870, 125619, 125621, 125622, 125623, 125624, 125625, 125626, 128664, 128665, 128670, 128671, 128672, 128673, 128775, 128776, 128777, 128778, 128779
Gore, Gary	November 22, 2017 17:24 (clean)	DOJ 14880, 15082, 34647, 38565	DOJ 14877, 15079, 34644, 35862
Gore, Gary	November 22, 2017 17:20 (redline)	DOJ 14881, 15083, 34648	DOJ 14850, 14877, 15075, 15079, 34644, 34649, 35862
Gary, Gore	November 3, 2017 15:34	DOJ 2739, 14855, 34641, 39775	DOJ 2738, 14854, 34640, 39774
Aguinaga, Herren, Gore	November 3, 2017 14:04	DOJ 14804, 28380, 29551, 49890, 62348, 74720	DOJ 14803, 28379, 29550, 49873, 62331, 74703
Aguinaga, Pickett, Gore, Herren	October 31, 2017 11:17	DOJ 3741, 3890, 14802, 14857, 20886, 28340, 28375, 49887, 62345, 74717	DOJ 3740, 3889, 14801, 14856, 20885, 28339, 49873, 62331, 74703
Neuman/Hofeller		DOJ 15199	Delivered in Person
Uthmeier	August 11	DOJ 15198	DOJ 15197